BOMBAY GAZETTE.

PUBLISHED THRICE A WEEK, ON EVERY MONDAY, WEDNESDAY, AND FRIDAY, MORNING.

PRICE 13 RUPEES PER QUARTER:—52 RUPEES PER ANNUM;—OR, IF PAID IN ADVANCE, 48 RUPEES PER ANNUM.

"Nothing extenuate, nor set down aught in Malice."

Vol. LII. BOMBAY: WEDNESDAY, APRIL 7, 1841. New Series No. 42.

CHARGES FOR ADVERTISEMENTS IN THE BOMBAY GAZETTE.

6 Annas per line, with the customary abatement to the Trade.
For others the charges are:
6 Annas per line for a first insertion.
3 do. do. for a second do.
2 do. do. for a third do.
the same being in immediately succeeding papers.
Under ten lines, 4 Rupees.

NOTICE.

THE Public are hereby informed, that the BOMBAY GAZETTE Press has been removed from the late Premises No. 5, Forbes Street, and is now occupying the Premises in Apollo Street, Old Admiralty House, opposite the Bombay Chamber of Commerce and Exchange Rooms, where all communications to the Editor will be received.—Bombay, 5th April 1841.

BOMBAY GAZETTE OVERLAND DISPATCH.

WHICH will contain a Precis of Indian Intelligence for the past Month.

The Public and Subscribers to the Gazette are informed that an Overland Monthly Dispatch, will be published at this Office for the present and every succeeding Mail—to Subscribers of the Gazette, *Gratis*.—Non-Subscribers one Rupee per Copy and to Subscribers for the above alone Rs. 10 per Annum, in England £1. 1s.

The Outstation Subscribers to the *Bombay Gazette* are hereby informed that if they will favor the Editor with the names of the Parties in England to whom they wish their Overland Gazette to be sent, they will be forwarded punctually through the Post Office here by each Steamer.

No Postage is levied by the Falmouth route and by Marseilles Two-pence.

Agents in England, Messrs. Grindlay, Christian and Matthews, 16, Cornhill, and 8, St. Martin's place, Charing Cross.

Bombay Gazette Office, Apollo Street, Old Admiralty House.

THE SUBSCRIBERS of the BOMBAY GAZETTE are respectfully requested to take notice that the New Proprietorship commenced from the 1st of June 1840, and that all accounts &c. with the present concern will commence from that date.

THE SUBSCRIBERS to the GAZETTE are requested that whenever a change of residence or Station may take place, they will be pleased to give information of the same, in order, to prevent mistakes in forwarding their Newspaper.

COPPER PLATE PRINTING.

THE LADIES and GENTLEMEN of the Presidency and the Public in general are hereby informed, that VISITING and INVITATION CARDS will be neatly executed and on reasonable terms at this Office.

All orders for Copper Plate Engraving and Card Printing addressed to the Printer of this Paper will be carefully attended to.

TO THE ARMY AND NAVY.

THE following Works are for Sale and to be had on application at this Office.

MARRYAT'S CODE OF SIGNALS, Sixth Edition, of the 1st, 2nd, and 3rd Parts, with the Supplement to the above, and also the Honorable Company's Steamers and Ships of War, corrected and enlarged with considerable alterations and additions..... Rs. 2

Report of the Commissioners for Inquiring into the Naval and Military Promotion and Retirement..... Rs. 2

Proceedings of a General Court Martial held at Fort George on Captain D. G. DUFF, 16th Regt. N. I..... Rs. 1

BOMBAY SPORTING MAGAZINE.

MANY applications having been made to the EDITOR of this Journal, and promises of assistance given to get up a *Sporting Magazine*. It is hereby announced that the 2nd No. of the BOMBAY SPORTING MAGAZINE was published on the 29th of March, and No. 3 will appear in June. The price to Subscribers is 12 Rupees a year, single numbers 4 Rupees. Communications will be thankfully received.

FOR SALE.—A few copies of the "CEYLON MAGAZINE" from No. 1 to 3, for September, October and November, Price 3 Rupees per Copy.—Apply at the Bombay Gazette Office.

Gentlemen desirous of becoming Subscribers to the above Periodical will be pleased to communicate the same to the Editor by letter post paid.

FOR SALE, at the Gazette Office;

Respondentia Bonds, each	Rs.	1
Ship's Articles	,,	1
Policies of Insurance	,,	1
Bills of Exchange, per set	Ans.	8
Interest Bonds	,,	8
Bills of Lading	,,	8
Powers of Attorney, each	,,	8

FOR PASSAGE TO LIVERPOOL.

THE fine First Class Ship "LANCASTER," J. JEFFERSON, Commander, 756 Tons Register, has superior accommodations for Passengers, and carries a Surgeon, having only two cabins disengaged will sail on the 10th Instant.

For terms apply on board, or at the office of Messrs. HIGGINSON AND CARDWELL, Meadow street.

Bombay, 7th April 1841.

INSOLVENT DEBTORS COURT.

In the matter of the Petition of ANNUNDROW SOONDERJEE *an Insolvent.*

NOTICE is hereby given, that Monday the nineteenth instant, is appointed for a further hearing in the above matter for the purpose of making a first dividend.—Dated this 6th day of April 1841.

J. P. LARKINS,—*Chief Clerk.*

ADVERTISEMENT.

NOTICE is hereby given, that a House measuring 30 square feet, situate in New Line Road, at Sonapore, belonging to ANTONIE D'ALMEIDA, a European Portuguese Inhabitant of Bombay, hath contracted and agreed to sell the same with all the Rights and title unto LEBRATH JULIAN GRASSEY, Portuguese Inhabitant of Bombay, who hath already occupied the same and hath possession thereof.—All person or persons having any claim or demand thereon by way of Inheritance, Mortgage or otherwise, are hereby required to make the same known to the said purchaser within fourteen days from the date hereof, otherwise he, she or they will be precluded [illegible]—Dated this 31st day of M[illegible]

जाहीर खबर

या पत्रावरून खबर दिल्ही आहे कीं घर येक चौरस ३० फुटींचें सोनापुराचे नवे लइनीचे रस्यावर आहे तें घर फीरंगी आनतोनी हे आलमीदा पुर्तुगाली मुंबइचे राहाणार याचे आहे तें त्याणे फीरंगी लीब्राथ जुली आनग्रास मुंबइंत राहाणार यास वीकत द्यावयाचेसाटें केलें आहे आणि सांप्रत तो त्यांत राहातो आणि तें त्याणे आपल्या स्वाधीन ठेवलें आहे त्यास व त्यावर ज्याचा वारसीचा कींवा गांहाणाचा कींवा दुसरा कोणताही दावा असेल त्याणे आजपासून चौदादीवसांत तें घर लदरहु वीकत घेणार यास जाहीर करावें नाहींतर पुढें त्याचे कांहींच चालणार नाहीं तारीख ३१ वी मार्च १८४१.

NOTICE.

"The East India Advocate."

IT is proposed to establish a Bi-weekly Journal, under the designation of the "East India Advocate," to appear on the mornings of Wednesday and Saturday respectively. Each issue will consist of two large Demy Sheets, to contain 32 columns of closely printed matter, at a Subscription of Two Rupees monthly, or Twenty Rupees annually, if paid in advance. The first number will appear on Wednesday, the 14th of April next, and which, as a specimen, the Proprietors, trust will be found a better recommendation than any pledges they can now offer on its behalf.

Intending Subscribers are respectfully requested to signify their wishes to the address of the Editor of the "East India Advocate," to the care of Messrs. G. SIDLOO CHETTY AND Co. Armenian Street.

Madras, 27th March 1841.

NOTICE.

THE undersigned begs leave to intimate that he will commence business as Auctioneer and General Commission Agent from the 14th instant on which date his rooms in Dady's Buildings formerly in the occupancy of Messrs. WOOLER AND Co. will be opened for the transaction of business; and he trusts that by attention and assiduity he will merit a share of the patronage and support of the public.

C. W. ALLEN.

Apollo Street, 7th April 1841.

Public Auction.

EDULJEE CURSETJEE'S SONS, will sell by Public Auction at the Hermitage on Thursday the 15th Instant, a portion of the Household Furniture of its late occupant consisting of Chandeliers, Lamps, Wall Shades, Ebony and Blackwood Couches, Chairs &c. &c. of different descriptions, Side Boards with Marble Slabs, Circular and Oblong Tables, with and without Marble Tops; a few articles of Plate and Plated Ware, Table Lights, &c. &c. also a few Books, Pictures, Busts, Maltese Vases &c. &c. &c.

Catalogues will be published,—the property will be on view from Saturday the 10th Inst.

Bombay, 7th April 1841.

ON SALE.

At the Undersigned in doz. quarts.

	Rs.		Rs.
Chateau Laffitte	33	Pomis & Portal	
Old Cognac	25	Medoc	12
Do. Madeira	20	Larose Beyerman	15
Salad Oil	18	& from Paris per ex Wave.	
Prauue Monton	30		

Few pairs gold gilt "Lampes Moderateur" 16 and 20.

Do. Mompelas' 6 Bil. Cologne Water, at 8 and 10.

WILLAUME AND Co.

9, Apollo Street.

TO be had at the Godowns of the undersigned, Superior Sherry in Wood from the House of *Apalatagui and Co.*, of Xeres.

In Butts at	Rs.	550
Hhd. at	"	300
Quarter Cask	"	150
In Quart Bottles per dozen	"	18

WILLIAM AND THOMAS EDMOND & Co.

Rampart Row, 7th April 1841.

PROVINCIAL GRAND LODGE OF BENGAL.

The quarterly assembly of the Provincial Grand Lodge of Bengal, was held at Free Masons' Hall on the night of the 23d instant. Owing to the conjoint labours, we understand, of too excellent Brethren, Mr. A. Graut, and Capt. A. H. E. Boileau, the Grand Hall had, under the directions of the Grand Master, undergone a complete and beautiful transformation, and become,—from an oblong square room, hardly embellished in any way,—a tastefully arranged and highly decorated amphitheatre, round which the seats of the members of the several lodges, entitled to a place in the Grand Lodge, were arranged under their proper banners, the grand officers being separated from the rest by a slight palisado. There was a large assembly present, and after the Lodge had been opened in due order, the worthy Provincial Grand Master made an excellent address to the Brethren, which we recommend to the attentive perusal of every member of the craft. It would be well for the prosperity of Masonry, indeed, if, as the Grand Master observed, the Masterships of Lodges were made the reward of good conduct alone, and no other consideration influenced the election of a brother to supreme command in a Lodge; and also, if the Royal Arch degree were only given to *good* Master Masons, and not to Master Masons indiscriminately. When the head is wrong, the rest of the members must suffer: and but too many lamentable instances have been afforded, of lodges being totally disorganized, by the misconduct of their Masters.

To the Grand Master's remarks respecting the proposing and initiating of candidates, would also call the attention of the brethren. They cannot be too cautious in introducing new members into the craft. Much harm has been done to the cause of Masonry, by a laxity in the scrutiny instituted into a man's character, previous to his initiation into the order; and the uninitiated world, harshly judging the institution, by the conduct of a few unworthy brethren, have condemned it as a vicious one. When a man professing to be a Christian misconducts himself, Christianity suffers not—its tenets are known, and the man alone is injured, by his conduct, in the opinion of the world. But when a Mason is guilty of intemperance in any way, the world immediately attributes his misconduct to Masonry, the purity of which they doubt, and, because it is veiled in mystery, represent it to be some abominable rite, which induces the misdeeds which some of its unworthy members perpetrate. It rests with Masons alone, therefore, to save their order from reproach, and the only way in which they can effect this desideratum, is by attending to the advice of the Grand Master, and admitting none but worthy men into Masonry. The following is but a meagre outline of the Grand Master's address:—

Right Worshipful Deputy Past Grand Master, Wardens and brethren—The occasion, I may say of the first Anniversary of the revival of the Grand Lodge of Bengal and its territories, is of too interesting a nature to us all to permit of my passing it over without remark. What was about this time last year a matter of anxious anticipation, has since then become a triumphant reality, and the general cause of Masonry in the East has received a most palpable and beneficial impulse from the recoustruction of the Provincial Grand Lodge of Bengal, and we commence our second Masonic year, therefore, under very happy auspices.

I must always consider that Masonry is apt to languish when the general body of the fraternity have no place they can properly call their own, where to hold their regular meetings. Whatever doubts may have existed at first starting on this head, have, I believe, been pretty well set at rest by the experience of the last year. It would, indeed, be a very inconsistent thing for us to depend for a General Masonic Hall upon the mere sufferance of any party, or to hold our meetings in a place that we could not feel a right to occupy when we chose, and as we chose. It is true, that objections were started as to the locality, but my answer at the time was the same as it now is—show me a better place or a tenement better fitted for our purposes, and I shall be ready to enter into an arrangement to take it.

We have, I think, every reason to be well satisfied with the prosperous state of Masonry during the past year, no less than cause to be most grateful, that so many of us have been spared to be now ranged under our proper banners. It has all along been my wish that we might be enabled to point to some conspicuous object of general philanthropy, as rising out of the direct operation of Masonic principles, something the practical scope and tendency of which would be at once understood and felt by those without the Square; as for instance the education of the orphans of Masons, and the support of indigent aged masons. So much is not in our power in this respect, as we may desire, but then much more is effected by us than we have credit for on the part of those who are strangers to our principles—for wherever there, is a Lodge with a St. John's box in it, there, as it were, do we behold a perpetual spring of charity pure and undefiled. I appeal to yourselves if there is not something very ameliorating to the heart in the habitual exercise of that spirit of mercy that is prompt, silently and unostentatiously, to succour distress and to relieve the wants of the poor man, the widow and the orphan? Even in a social point of view, surely there is a very beneficial effect produced by an Institution which calls forth so much mutualkind feeling and amenity, as Masonry does among its members. It is, as you know, an association where conventional rank is but a secondary consideration, and where the noble metal of good character and good dispositions form the all in all, and not the stamp which fortune and circumstances may give it.

It is my duty again to enjoin upon you the fact that the solid prosperity of Masonry entirely depend upon a proper choice for initiation in the first instance, and a just selection of officers, especially of the *Master* of a Lodge, in the second. You ought to be very wary indeed, my brethren, in both these matters. Pardon me for stating that I have sometimes observed too great a readiness in lodges, to second the nomination of a candidate not known to the brother seconding. This is a pernicious act of complaisance, for no mason ought to second the nomination of any man whom he does not know, and for whose character he cannot vouch. Of course I would make an exception where an experienced and respected Master Mason gave assurance for the person. Look very particularly to the quality of the man whom you select to rule over a Lodge. Let him be ever so smart a man in the chair—I would prefer to mere official ability, weight of character—and when I state that you are to look to the quality of the man—I mean the quality that is included in those simple but comprehensive words *honest worth*!

Kindly bear with me also, if I venture to put you on your guard against what is so apt to disturb harmony—I mean masonic jealousy. The true mason ought to be above such a feeling, for *he* may rest assured that his day for advancement will arrive. Honors among us have their limits, and it is impossible that all should at once enjoy them. The Grand Lodge is a kind of Masonic Parliament, where representatives from various lodges, meet for the protection and enlargement of their interests. I wish to give distant brethren, up the country, a personal interest in the Grand Lodge. You are aware that the number of Grand Stewards is limited by the book of constitutions. The Provincial Grand Lodge of Bengal, however, differs very materially from a Provincial Grand Lodge in England from the vast extent of the province. I will, therefore, pending a reference to the Grand Lodge of England, take it upon myself in the only way in my power, to show my estimation or some of our more distant brethren, by increasing the list of Grand Stewards to ten—and on my nominating the four additional honorary ones, I anticipate your approbation of my selection. Thanking you my dear brethren for the patient courtesy with which you have listened to me, I will no longer detain you from the business of the evening.

After the termination of his address, the Grand Master proceed to appoint the following brethren to be office-bearers of the Grand Lodge of Bengal for the year 1841.

Rt. W. J. GRANT	*Grand Master.*
Rt. W. R. NEAVE	*Dy. G. Master.*
Rt. W. Hon'ble SIR E. RYAN	*Pro D. G. Master.*
Rt. W. W. C. BLACQUIERE	*Past D. G. Master.*
Rt. W. W. BURLTON	*Grand Snr. Warden.*
Rt. W. H. B. HENDERSON	*Grand Jr. Warden.*
V. W. J. KING	*Grand Treasurer.*
V. W. SAMUEL SMITH	*Grand Registrar.*
W. R. SWINHOE	*Officiating.*
W. A. GRANT	*Grand Secretary.*
W. F. W. BIRCH	*Grand Snr. Deacon*
W. R. C. MACDONALD	*Grand Jr. Deacon.*
W. A. B. CLAPPERTON	*Gd. Supt. of Works.*
W. H. W. TORRENS	*Gd. Direc of Cerem.*
W. R. W. CHEW	*Dep. G. D. of Cerm.*
W. J. CHAUNCE	*Gd. Sword Bearer.*
W. H. H. HAMERTON	*Grand Organist.*
W. B. W. LAZARUS	*Grand Pursuvant.*
Br. J. G. DAVIDSON	*Grand Tyler.*
W. ROBT. SWINHOE	*Grand Stewards.*
W. J. G. L. HOFF	
W. R. S. THOMSON	
W. J. G. W. CURTIS	
W. A. H. E. BOILEAU	
W. C. L. TOTTENHAM	
W. H. G. GOWLAND	
W. M. J. LEMERCHAND	
W. ALEXANDER CHISHOLM	

The Lodge was closed at 8 30 P. M., and the brethren adjourned to the banquetting room, where a splendid collation was spread for them. Several excellent speeches were made on the occasion, but we were obliged to leave the banquet early, and did not hear one half of the orations. One, however, we gladly record. The Right Worshipful Grand Master called on the Brethren to fill a bumper, and in a speech peculiarly marked for its friendly and fraternal spirit, proposed the health of the Grand Secretary, Brother A. Grant. The toast was drank with more than usual cordiality and marks of friendly and fraternal feeling towards Brother Grant.

Brother Grant rose and addressed the brethren nearly as follows:—Right worshipful grand master—I feel proud and gratified, both from the feeling and friendly manner in which you have been pleased to notice me, and from the marked gratification the mention of my name has afforded the brethren. And, Sir, these feelings and expressions are the more gratifying to me, for whatever little exertion on my part that may have tended either to the improvement of this Hall, or to the convenience of the brethren, was entirely voluntary and unauthorized by the previous sanction of higher masonic authority; but, Sir, I enjoy not only on this, but on every occasion of our meeting, more than an equivalent for any exertion made by me in the good cause, and that is the assurance of these I love and respect, and those who are loved and respected by the world. I have at least endeavoured, as far as lay in the power of one man, to promote the interest of so beautiful, so glorious, and so mysterious a cause as that of Freemasonry. I say mysterious, Sir, because it is admitted an anomaly in the history of the earth. Without territorial position, without any other coercing power than that immorality and virtue, it has survived the wreck of mighty empires, and resisted the destroying hand of Time. Contrast the history of Freemasonry with the history of the nations of the world, and what is the result. The Jews, God's favoured people, into whose custody masonry was first entrusted by its divine author—where are they now—a race of wanderers, scattered over the face of the Globe. And the stupendous and magnificent structure, the temple, at once their glory and the wonder of the world, where is it now?—not one stone left upon another! Babylon, in her day the Queen of nations, has fallen never to rise again. Egypt, with her kings and philosophers—classic Greece and Imperial Rome, we now find but occupying their page in the history of the world. But masonry, Sir, at this moment shines throughout the world, with as bright and undiminished a light as when first revealed by God to man. Must not then, Sir, the question often arise even to the most unreflecting mind, what is masonry. But I fear me, Sir, this question is seldom satisfactorily answered. Masonry does not consist as you have beautifully stated this night, in an extensive and correct knowledge of the ceremonials of the institute, or in an elaborate etymological research into the great landmarks of the order, nor in the extensive bestowal of eleemosynary relief—it is not Faith, it is not Hope, but all these are necessary to lead the truly speculative mason to a correct estimate of what masonry really is—and that is, Sir, erecting the human heart into a temple of unbounded charity, or unbounded love, to God and his creatures. This virtue will remain when "Faith and Hope will be no longer required." It a glory that reaches to and enlightens the "empyrean, or heaven of heavens"—in fact, Sir, it is what has been stated, by an inspired Masonic writer, the "glorious Shehinah of God himself." I beg, Sir, you will excuse the tedium, perhaps the intrusion, of these remarks; but where can I find a time or place so fitting for the expression of an honest and conscientious Masonic sentiment as in the present assembly. Besides, I enjoy the innate gratification of knowing that poor and obscure as I am in the world, and poor and obscure indeed I feel myself to be, that a Masonic opinion or sentiment coming from me is not the less acceptable to my brethren on that account. We may never all meet round this board again,—indeed, Sir, the heart of him who now addresses you may be the first to be compressed into a clod of the valley; but I am animated with a fervent hope, that by an unceasing endeavour to square my life and actions to the principles I have here stated, to be able calmly to meet the approach of our common enemy, and when removed from this mortal Grand Lodge, I may be admitted to a Lodge "not built by human hands, eternal in the heavens," where the Grand Lodge of God will be opened, never to be closed, and where the Great Architect of the universe shall live and reign for ever.—*Bengal Harkaru, March 25.*

GENERAL POLICE.

Thursday, March 25.

(Before Captain F. J. Clerk, and V. Ragavacharlar.)

A QUEER KIND OF COURTSHIP.

Mr A. Francke charged Messrs. J. Thomas, R. McGinniss and Lavaka with an assault.

Complainant,—On Monday evening Mr. McGinniss asked me to come to his house and write a letter to one Mr. Jenkins at Redhills. I said I had other business and could not come

On Tuesday morning he again requested me to go to his house and write him the letter he required: then I for friendship sake went there. In the house is a young Miss whom I am going to marry. Having courted her for one year since, I requested this young Miss to get me pen, ink, and paper; she said "*oppah ke commandha*" which means, "Father! what command." As she is a lady I am going to marry, she told so in a joke: I also was in a merry vein and returned the joke by saying "if I was a father, I will certain'y command you." On saying so, Mr. Thomas said, which *son of* ——— dare command in this house. I replied that I was only returning the lady's joke, when Mr. Lavaka, her brother, made a full stop on my face with his fist, as you will see by the mark on my face. Immediately after that gentleman's (Mr. Thomas') wife gave me a thrashing.

Magistrate.—Whose house was it you went to?

Complainant.—It was the young lady's house I am going to marry, with whom I am engaged for this one year. I have witnesses to prove the assault. Messrs. Falkin and Vanderputt.

Mr. Falkin, sworn.

Magistrate.—Well what do you know about this affair?

Witness.—As Mr. McGinniss and Francke are very intimate friends of course you know.

Magistrate.—I certainly dont know that, but they were intimate friends—and what then?

Witness.—They used to treat each other at least in a friendly manner of course. On Tuesday morning complainant came to McG.'s house of course, to write a letter of application for some vacancy at the Gun Carriage Manufactory, at least to Captain Maitland of course, then they passed some jokes and commenced a row of course, but how it ended I dont know.

Magistrate.—Oh then you know nothing at all about it, of course?

Witness.—I know nothing about it.

Magistrate.—That will not do then.

Mr. Vanderputt was next called.

Magistrate.—What are you come here to state?

Witness.—On Tuesday morning about 7 o'clock complainant came to McGinniss's house and I smelt of spirits.

Magistrate.—Stop a bit. Did *you* smell of spirits, or do you mean to say you smelt it on Complainant.

Witness.—I smelt of spirits on Complainant, who after telling something, they commenced boxing with each other.

Magistrate.—You mean to say then that Complainant was drunk at the time?

Witness.—Yes, he smelt very strong.

Magistrate to Complainant.—You went to a house where you ought not?

Complainant.—Why it is the house of the Miss I am going to marry, and was not forbidden to go there.

Magistrate.—And you was moreover drunk by the statement of your own Witness?

Complainant.—I only took one glass, but Mr. McGinniss drank more, and more, and if I was drunk how will I be able to write a letter or know every thing that was passing there.

The Magistrates enjoyed the scene heartily, and dismissed the case.—*Madras Athenæum, March 27.*

GENERAL ORDERS.

BY THE HON'BLE THE GOVERNOR IN COUNCIL.

Bombay Castle, 3rd April 1841.

No. 218. With reference to the B. G. O. No.

386. of 1840, Pay Master of Her Majesty's Troops are directed to draw the amount of Indus Army Donation Batta due on account of officers and men deceased in this Country without Heirs, also on account of officers and men who have gone home, and remit the same to the Regimental Agent in the same manner as the effects of deceased officers and Soldiers are now remitted.

No. 219. The following temporary arrangement is made.

Lieutenant A. S. Young of 3rd. Regiment N. I. to perform the duty of Staff officer to the wing of the Regiment remaining at Mhow.

No. 220. The following promotions are made.

Cavalry.

Senior Major C. J. Conyngham to be Lieut. Colvice Wilson deceased.—Date of rank 6th March 1841.

1st. Regiment Light Cavalry.

Captain J. Liddell to be Major, Lieutenant A. Tweedale to be Captain, and Cornet P. I. Fagan to be Lieutenant in succession to Conyngham promoted. —Ditto ditto. 6th March 1841.

The undermentioned officer to be promoted to Cornet and ranked from the dates specified opposite his name and posted to 1st Regiment Light Cavalry vice Fagan, Promoted.

W. W. Anderson, Rank as Cornet in the Regiment 6th March 1841, Army 4th, Dec. 1840.

(Signed,) P. M. MELVILLE,
Lieut. Col. Sect. to Govt.

BY THE COMMANDER IN CHIEF.

Head Quarters Mahbleshwar, 31st March 1841.

A Detachment order by Captain Bayly, dated Dhoulia 31st. January 1841, directing Assistant Surgeon Elliott to resume medical charge of the Detail of the 20th Regiment M. N. I. is confirmed.

The undermentioned officer has obtained leave of absence.

Lieut. E. Bird, 12th Regt. N. I. from 17th March to 30th, April on medical certificate to proceed to Bombay.

1st April 1841.

The undermentioned Officer has obtained leave of absence:

Lieutenant Colonel S. Whitehill, Nat: Vet: Battalion, from 1st April, in medical certificate to proceed to Bombay, N. B. This Cancels the leave granted to this officer in G. O. of the 22d ultimo.

Adjutant Generals Office Bombay 3rd April 1841.

The men Invalided any posted to the Native Veteran Battalion in General Orders of 20th and 27th March will join the Detachment of the Battalion at Bhewndy instead of Head Quarters at Dapoolee.

Adjutant General Office Bombay 5th April. 1841.

The undermentioned officers have obtained leave of absence.

Lieutenant A. Austen, 8th Regiment N. I. from 3rd to 30th April on medical certificate to proceed to Mahableshwar.

Brevet Captain S. J Stevens, 21st Regiment N. I. from 5th to 30th April on medical certificate proceed to Mahableshwar.—N. B. This cancels the unexpired portion of the leave granted to these Officers in G. O. portion of the 1st instant.

Promotions, Appointments, Removals, Postings &c. in the Bombay Army during the Month of March 1841.

Promotions.

Lieut. Colonel, (General J. Morse to be Colonel vice H. Roome deceased.

Superintending surgeon Sheppse, to be 3rd Member of the Medical Board.

Surgeon Kane, to be superintending surgeon

Assistantaut surgeon Collier, to be surgeon.

Lieutenant Lewis, 22nd Regiment N. I. } To be Brevet Captain

Ditto Munro, 16th Regiment N. I. }

Ditto Jackson, 2nd Regiment Lt Cavy. }

Ditto Lucas, 4th Regiment N. I. }

Ditto Ash, 20th Regiment N. I. }

Ditto Threshie, 10th Regiment N. I. }

Ditto Willoughby, 25th Regiment N. I. }

Ditto Salmon, 19th Regiment N. I. }

Ditto Ramsay, 9th Regiment N. I. }

Ditto Auld, 26th Regiment N. I. }

Ensign Adams, 13th N. I. to be Lieut. vice Diggle deceased.

Ensign Mackenzie, 26th N. I. to be Lieut. vice Browen deceased.

2d Lieut. Erskine, Artillery, to be 1st Lieut. vice R. creed killed in action.

Ensign Oliphant, 2d Grenadier Regiment, to be Lieut vice Falconer killed in action.

Appointments.

Surgeon McLennan, to be Medical storekeeper at Bombay.

Surgeon Brown, M. D. to be surgeon to the European General Hospital.

Surgeon Scott, to act as surgeon to the European General Hospital until surgeon Brown joins.

2nd Lieutenant Pottinger, to be Adjutant and Quarter Master to the 1st Battalion Artillery, vice Lieut. H. Creed proceeded to Europe.

Lieutenant Unwin, to be Adjutant and Quarter Master to the 2d Battalion Artillery, vice Lieut. R. Creed, deceased.

Brevet Captain Prior, 21st N. I. to act as Interpreter to 3d Regiment Lt Cavalry.

Ensign Furneaux, 1st European Regt. to be Assistant to superintendent of Roads and Tanks.

Lieut. Price, 4th, and Lieut. Compton, 18th N. I. to be acting Assistants to superintendent of Roads and Tanks.

Captain L. Brown, 5th N. I. to be Commandant of the Guzerat Cooly Police Corps.

Assistant surgeon Hockin, to be civil surgeon at Ahmednuggur.

Colonel Baumgardt, 2d Queen's Royals, to Command the Garrison of Bombay.

Lieut. Mumbee, Engineers, to be Ex. Engineer in Lower Scinde.

Lieut. Stewart, to act as Interpreter and Quarter Master to the 14th Regt. N. I.

Assistant Surgeon Weatherhead, to be Civil Surgeon to the Residency in the Persian Gulf, vice Mackenzie proceeding to Europe.

Removals Posting &c.

Superintending surgeon Pinhey, posted to the Northern Division of the Deccan.

Superintending surgeon Bird, to the southern Division of the Deccan.

Superintending surgeon Glen, to the Presidency Division.

Superintending Surgeon Kane to the Scinde Force.

Assistant surgeon Atkinson, removed from 8th Regiment N. I. to 3rd Troop Horse Brigade.

Surgeon Collier, posted to the 5th Regiment Native Infantry.

Assistant surgeon Durham, attached 2d Grenadier Regiment N. I.

Assistant surgeon Deas, attached to 6th Regiment Native Infantry.

Assistant surgeon Wright, attached to 8th Regiment Native Infantry.

Assistant surgeon McMorris, attached to the Wing to the 1st European Regiment at Karrack.

Cornet Loch posted to 2nd Cavalry.

Ensigns Scriven and Herne posted to 1st European Regiment.

Ensign Winfield, Close, and Tyacke posted to 2nd European Light Infantry.

Ensign, Halswell, and Faulkner posted to 6th Regiment N. I.

Ensign G. O. Geach, removed from 1st European Regiment to 13th Regiment Native Infantry.

2d Lieuts, Aitken, Fuller, and Worgan posted to Regiment of Artillery.

Ensign Schneider, posted to 2nd Grenadier Regt.

" Hope, ... to 26th N. I.

" Mainbrigge, .. to 23d N. I.

" Hewett, ... to 11th N. I.

" Younghusband, to 9th N. I.

" Bourchier, ... to 25th N. I.

" Pirie, ... to 1st Grdr. Regt.

Retirement.

Lieut. A. Welstead, 21st Regt. N. I. 17th Dec. 1840. in Europe.

Furloughs.

Major E. M. Willoughby, 18th Regiment Native Infantry, to Europe, on sick certificate.

Lieutenant Delamotte 1st Grenadier Regiment Native Infantry, to Bangalore and the Neilgherries on sick certificate.

Lieut. Saunders, 2d European Light Infantry, to European on sick certificate.

Lieut Jackson, 24th Native Infantry, to Europe, on sick certificate.

Ensign Pattullo, 1st European, Regiment, to Europe, on sick certificate.

Captain Skipper, 7th Regt. N. I. to Europe, on private affairs.

Assistant surgeon T. Mackenzie, to Europe, on private affairs.

Deaths.

Mjor General H. Roome, Infantry, 15th January, on Europe.

Lieut. Colonel P. P. Wilson 3rd Regiment Light Cavalry, 6th March, of wounds received in action at Kujjuck on the 20th February.

Lieut W. C. M. Bowen, 25th Regiment N. I. 3d March at Bombay.

Lieut. R. Creed, Artillery, 20th Februra, in action at Kujjuck.

Lieut. W. Falconer, 2d Grenadier Regiment. 20th February, in action at Kujjuck.

STRATFORD POWELL, Lieut. Col.
Adjt. Genl; of the Army.

MILITARY DEPARTMENT.

GENERAL ORDERS BY THE RIGHT HONORABLE THE GOVERNOR IN COUNCIL

Fort St. George, 26th March 1841.

No. 59 of 1841.—Authentic intelligence having been received of the death of Major General Thomas Hatcher Smith of the Infantry, in Europe, on the 23d January 1841, the Right Honorable the Governor in Council is pleased to make the following Promotions and Alterations of date of rank.

Infantry.

Senior Lieutenant Colonel (Brevet Colonel) John Ogilvie, to be Colonel from 23d January 1841, vice Smith deceased.

Lieutenant Colonel James Edwin Williams, to take rank from 23d January 1841, in succession to Ogilvie promoted.

1st Regt. N. I.

Major John Dea Awdry, Captain John Charles Forteseue, and Lieut. Henry Beauchamp Trefusis St. John, to take rank from 23d January 1841, in succession to Williams promoted.

Infantry.

Senior Major James Campbell from the 33d Regt. N. I. to be Lieut. Col., vice Kitson retired; date of commission 26th February 1841.

33d Regt. N. I.

Senior Capt. Archibald Spiers Logan to be Major, Senior Lieutenant (Brevet Captain) George Alexander Tulloch to be Captain, and Senior Ensign Charles Sydney Sparrow to be Lieut., in succession to James Campbell promoted; date of commissions 25th February 1841.

The services of Major A. S. Logan of the 33d Regt. N. I., are placed under the disposal of the Major General Commanding the Forces for Regimental duty, from the date on which his present leave of absence may expire.

In consequence of the death of Colonel (Major General) Thomas Hatcher Smith of the Infantry, the following addition to the List of Officers entitled to Off-reckonings, is authorized.

Col. Thomas King.—to half a Share from the Off-reckoning Fund, from the 24th January 1841.

Appointment.—Brigadier James Ketchen, Commandant of Artillery, to a Seat at the Clothing Board.

Leave of absence.—Lieutenant, Brevet Captain, C. T. Hill of the 29th Regiment Native Infantry, Assistant Surveyor General, is permitted, to visit the Presidency, on private affairs, for one month from the date of his quitting Waltair.

Surgeon William Mortimer, M. D. in charge of the General Hospital, and Superintendent Medical School, is permitted to proceed to Bangalore and the Neilgherries, on medical certificate till the 30th October 1841).

Native Officers transferred to the Pension Establishment.—Subadar Meer Ebrum of the 29th Regiment Native Infantry, on 40 Rupees per mensem.

Subadar Shaik Meau of the 29th Regiment Native Infantry, on 40 Rupees per mensem.

15th Regiment Native Infantry.

Promotions.—Senior Lieutenant James Ross Arrow to be Captain, and Senior Ensign George Cranstoun Mowbray, to be Lieutenant, vice Faunce retired; date of commissions 16th November 1840.

In the Public Department under this date, Lieutenant J. N. Warrington of the 1st Madras European Regiment has been appointed Post Master at Secunderabad, so long as his Regiment may continue to form part of the Troops composing that Station, or until further orders.

N. 60 of 1841.—The Right Honorable the Governor in Council is pleased to publish in General Orders that Funds have been allotted to the Paymasters at the Presidency and in the several Divisions of the Army, for the discharge of all ordinary demands in the Military Department in the course of next month.

GENERAL ORDERS BY MAJOR GENERAL SIR ROBERT H. DICK K. C. B. AND K. C. H. COMMANDING THE ARMY IN CHIEF.

Head Quarters, Chaubey Plain, 24th March 1841.

Coronet D. Hay, recently posted to the 6th Light Cavalry, is directed to proceed as far as Secunderabad under charge of Lieutenant Anderson 25th Regiment N. I., on route to join his corps at Kamptee.

Senior Medical Apprentice Bernard Paul is promoted to Junior Assistant Apothecary from the 23d Instant, vice Morris pensioned, and posted to the 4th Regiment N. I.

24th March 1841.

Cornets of Cavalry whose rank was published in General Orders by Government dated 23d March 1841, No. 59, are posted to the Regiments specified opposite their names.

3d Cornets F. T. Steward to the 1st, and C. H. Abdy to the 5th Regt. L. C.—Not arrived.

3d Cornet R. G. Jones to the 2d, and 4th Cornet A. H. Hope to the 6th Regt. L. C.—To join.

Assistant Surgeon W. R. Gingell is appointed to afford medical aid to the Detachment of the 39th Regiment N. I. proceeding to Malacca in the *Ayrshire* and to return with the relieved Detachment of the 8th Regiment N. I.

Military Arrivals and Departures.

ARRIVALS.

April 3rd.—Capt. Clement, 20th Regt. M. N. I., from Asseerghur.

do. do. Ensign G. Saunderson, 18th Regt. N. I., from Rajkote.

DEPARTURES.

April 5th.—Lieut. F. Jackson, 24th Regt. N. I., to England.

do. do. Lieut. Saunders, 2nd E. Regt., to England.

do. 8th. Surgeon G. Knox, H. M. 6th Foot, to Poonah.

DOMESTIC OCCURRENCES.

BOMBAY.

DEATH.

At Hyderabad, on the 20th of March last after an illness of a few days Aga Mir Mahomed Huson Shoostry a respectable Mahomedan whose Gentlemanlike conduct had endeared him to a large circle of friends, his loss will be long and seriously felt and most sincerely regretted by all who had the pleasure of knowing him.

CALCUTTA.

BIRTHS.

At Saugor, on the morning of the 2d of March, the lady of J. R. McMullin, Esq., 50th Regt. N. I., of a son.

At Agra, on the 16th March, the lady of F. O. Wells, Esq., of a son.

At Malaca, on the 24th Jan., the lady of T. Oxley, Esq., Civil Surgeon, of a daughter.

At Manila, on the 3d Jan., the lady of Adolph Barrott, Esq., Council General of France in the Philippine Islands and Indo. China, of a son and heir.

At Singapore, on the 25th Jan., the lady of Dr. Wm. Montgomerie, of a son.

At Singapore, on the 1st Feb., Mrs. Wm. Rodyk, of a daughter.

At Poosah, on the 7th March, the lady of Captain Apperley, 4th light cavalry, of a son.

At Meerut, on the 8th March, the lady of E. J. Pratt, Esq., 16th lancers, of a son.

At Meerut, on the 8th March, mrs. M. T. Arratoon, of a daughter.

At Ferozepore, on the 11th March, the lady of captain Barney, 38th regt. N. I. of a daughter.

At Meerepore, Tirhoot, on the 14th March, the lady of John Mackenzie, Esq., of a daughter.

At Kuruaul, on the 15th of January last, Mrs. captain D. Shaw, of the 54th regt. N. I. of a daughter.

At Cawnpore, on the 16th March, the Lady of James McRae, Esq., Assistant Surgeon, Horse Artillery, of a son.

MARRIAGES.

At Calcutta, on Thursday, the 25th March, by Special License, at the Old Church by the Venerable the Archdeacon, Captain H. Carew, Paymaster Her Majesty's 13th Light Infantry, to Rebecca Elizabeth, relict of the late Reverend T. Reichard.

DEATHS.

In Chowringhee, on the 23d of March, Amelia Maria, the infant daughter of William Martin, Esq., aged one year and four months.

At Calcutta, on the 23d March, M. J. Malchus, Esq, aged 47 years and 4 months.

At Calcutta, on the 24th March, Master Edmund George Baptist, son of Mr. A. Baptist, junior, aged 4 months and 8 days.

At Dum-Dum, on the 19th March, Samuel Edwin, the infant son of Sergeant Major Bickerton, of the 18th N. I.

At Cawnpore, on the 12th March, Mr. Thomas William Henry Hay, aged 53 years, 3 months and 13 days.

At Lillybloem, (Cape,) on the morning of the 7th January, Julia Maria Cameron, youngest daughter of Lieutenant-Colonel W. G. Mackenzie, E. I. S. aged 15 months and 13 days.

At Meerut, on the morning of the 13th March, Edward Aislabie, son of E. J. Pratt, esq., 16th lancers, aged 5 days.

At Calcutta, on the 26th March, John Edouards, Esq., Merchant, aged 41 years.

At Calcutta, on Friday, the 26th March, Mr. Joseph DeRozario, Assistant to Messrs. McKenzie, Lyall and Co., aged 30 years and 7 months.

MADRAS.

BIRTHS.—On the 23d instant, at Bangalore, the lady of Captain James Briggs, of a son.

At Sydapet, on the 25th instant, the lady of A. J. Johanes, Esq., of a son, which survived only 12 hours.

Marine Department.

NOTIFICATION.

Notice is hereby given, that it is the intention of the Honorable the Governor in Council, to despatch a Steamer, with a Mail for Suez, on Saturday the 1st of May next.

By order of the Hon'ble the Governor in Council,
P. M. MELVILLE, Lieut. Col.
Secretary to Government.
Bombay Castle, 12th March 1841.

Notice is hereby given, that it is the intention of the Honorable the Governor in Council, to despatch a Steamer, with the Mail to Suez, on Saturday the 23rd May.

It is also intended to despatch a Steam Frigate with the Overland-mail, via Suez, on Saturday the 19th June, and again on Monday the 19th July; but Passengers cannot be accommodated in the usual manner, on these occasions.

The despatch of the ordinary monthly Packets will recommence on Wednesday the 1st September.

By order of the Hon'ble the Governor in Council.
P. M. MELVILLE, Lieut. Col.
Secretary to Government.
Bombay Castle, 31st March 1841.

Shipping Arrivals and Departures.

ARRIVALS.

April 4th, Barque Acasta, John Ryle, Master, from China and Manilla 28th January, Singapore 11th February.

Do. 5th, Ship Bucephalus, A. Small, Master, from Greenock 2nd December.

SAILED.

April 3rd Barque Asia, J. H. Fawcett, Master, to Hong Kong. *Passengers.*—Major Tomlinson, Lieut Haly, Martin and Bernard, Ensigns Burrell and Woodwright, Asst. Surgeon H. Moore, 2 Sergeants, 320 Privates, 18 Women, 7 Children and 14 Natives.

Do. 4th, Portuguese Barque Simplecia, J. L. de Almeida, Master, to Macao.

Do. The E. I. C. Steam Frigate Auckland, W. Lowe Esq. Com. to Kurratchee.

Do. 5th, Ship Reliance, Thomas S. Hall, Master, to Liverpool. *Passengers.*—Lieut. Jackson, Saunders and Monin.

Do. 6th, Sloop of War Elphinstone, Lieut. R. Ethersey, Com., to Karrack.

Do. 6th, Arab Ship Shawen Shaw, Hamud Shurruff, Nacodah, to Calcutta. *Passengers.* 20 Natives.

Shipping in the Harbour.

H. C. VESSELS.	E. I. C. STEAMERS.
Receiving Ship Hastings.	Indus.
BRIG.	Berenice.
SCHOONERS.	Sesostris.
Taptee.	Hugh Lindsay.
Royal Tiger.	Medusa.
Palinurus.	Enterprize.
Tigris.	Zenobia.
CUTTER.	
Margaret.	

Merchant Vessels.

ENGLISH.

Charles Grant.	Countess of Loudon.
Roxsamea.	Charles Dumergue.
Champion.	Olive Branch.
Earl of Balcarras.	Wave.
British Merchant.	Lancaster.
Hope.	Carnatic.
Chieftain.	William Gillies.
	Bucephalus.

COUNTRY.

Cauderbux.	Dawlut Savoy.
Pittamber Savoy.	Jehangier.
Caroline.	Wild Irish Girl.
Colonel Newal.	Malik-ool-Bahr.
Essavie.	Cursetjee Cawasjee.
Maria.	Shaw Allum.
Ruby.	Julia.
Fanny.	Futhel Barry.
Hydroose.	Brigand.
Alexander Robertson	Victoria.
Ruparell.	Kusrovie.
Hamoody.	Dadaloy.
Caroline.	Coringa Packet.
Sophia.	Solomon Shaw.
Lady Grant.	Memnon.
Ratler.	John William Dare.
Corsair.	Acasta.
Drongan.	
Roopaulay.	
Yatch Prince Regent.	

FRENCH.

LaAdele.	PORTUGUESE.
Brig LeDeux.	Brig (War) Cassador Africano.
ARAB.	Brig Novo Viagente.
Harsingar.	
Lodease.	
Hamonshaw.	

"Nothing extenuate, nor set down aught in Malice."

THE GAZETTE.

Wednesday, April 7, 1841.

Arrived April 5, Ship *Bucephalus* A. Small, Master, from Greenock, 2d Dec.

An Inquest was held the day before yesterday on the body of an elderly man of the Hindoo Caste, a Cart driver residing on Colaba, who had been taken to the Hospital the previous night, in a state of Insensibility where he died. When a verdict was returned that deceased died from apoplexy, brought on by intemperate habits.

Our Calcutta Papers to the 27th and *Agra Ukhbar* of the same date have reached us. The latter states that General Lumley was expected at Meerut on the 25th and Dost Mahommed on the 29th. No certain information is given about the Punjaub. General Ventura has been on a Mission with Mr. Clark at Loodhiana conducting some negotiations it is supposed on the part of Shere Singh. Major Todd has it is said returned to Herat, so it would appear a pity that he ever left the place so precipitately. The advance of the Persians on Herat still requires confirmation while no reliance can be placed on the story of a similar march on Candahar. The Shah seems to have enough on his hands at home without going abroad. As the major part of his finest Provinces are in revolt headed by one of his uncles. We rather imagine the Politicals in Affghanistan have been more frightened than hurt and that the Persian Army like the Spanish Armada in the Critic cannot be seen.

"Because it is not yet in sight."

The arrival of the *Folkstone* at Madras from China has put us in possession of the most important intelligence which has hitherto been received from that quarter. On the 25th of February the Bogue Forts fell to the British arms. This event is announced by Plenipotentiary Elliot in an official. We are really quite astonished at his rashness and temerity and think he must be rather astonished at himself. As the official was dated the 25th February and the *Folkstone* left Macao on the 27th, we have no accounts of any fresh attempts at negociation on the part of Elliot. Lin the ex-Commissioner as it is said, is the person who has inclined the emperor to hostilities, we now do begin to hope for a settlement of the question, and as we have shewn the Chinese that we can bite as well as growl, we think our Opium Bond Holders may begin to look cheerful. Trade seems quite at a stand still in the Celestial Empire, the markets are overstocked with Cotton from India and 130,000 Bales remain unsold at Macao, while 65,000 more are on their way out on boardship. Chusan has been ordered to be evacuated and the Royal Irish are daily expected at Macao. Ships are allowed to go up the river as far as the Bocca Tigris Batteries and they are to get permission to go up higher as soon as the river is cleared of obstructions. We trust that now Elliot has got a little more accustomed to fighting, that he will not rest satisfied until a bombardment and occupation of Canton takes place, that scene of our losses and degradation!! What has been now done should have been executed at first without hesitation, and if it had the whole affair would have been over long ago. Matters are now getting so interesting that we look with anxiety for further accounts. The island of Hong Kong has been evacuated, why? No one knows. Hong-Kong is represented as an excellent Port and should we think have been preserved with jealous care as the first instalment of solid territorial acquirement from the expedition. Matters have now gone very far, and His Imperial Majesty cannot long remain in ignorance of the extent of his disasters, and then like all vaunting and cowardly braggarts we shall see a vast deal of Ko-touing on the part of the Fokies. We congratulate the Native Mercantile community connected with China on the News as we have little doubt two or three more smart actions will do more to procure a settled and secured basis for our trade and commerce than years of negotiations. We hail the re-opening of the China Trade with heartfelt pleasure, at present it presents a melancholy aspect and our Mercantile Fleet is dwindling in our Harbour into a rapid consumption. The next arrivals will we trust give us the gratifying news of a settlement and as the Celestials have been very truculent and daring we hope proportionably severe terms with be exacted from them. Hong Kong and 6 millions of dollars will not go *down now*; although a month or two ago they were received with good grace. Elliot has had plenty of experience and much very dearly bought, we can only say we hope he will profit thereby and eschewing the crooked paths of diplomacy win back the good opinions of all men by a course of vigour and promptitude for the future.

The Contempt Case came on again on Monday and a crowded audience filled the Supreme Court almost to suffocation. The proceedings were opened by a motion made by Mr. Cochrane "To direct the Registrar of the Ecclesiastical Court to draw up the order made in the matter on the 27th of March. This motion was refused. Certain affidavits were then read stating to the best of the deponents recollection that His Lordship the Chief Justice made use of certain expressions such as. "Even at this hour if "any of the gentlemen will come forward "and state that they disclaim guilty par-"ticipation or knowledge of the objection-"able article it is not yet too late," and that the paragraph reported in the *Courier* that Mr. Cochrane said "the affidavits "contain a disclaimer and I do not feel "justified in counselling my clients to make "any other apology" was in answer to the "above observation of the Chief Justice." Mr. Cochrane made a very long speech, and particularly denied that any of the parties felt any personal hostility, but that they argued for a principle, he deprecated the present proceeding and remarked the Judge that he had said that if a disclaimer was made he would discharge the rule, such a disclaimer had been made and so withdrawn. He said also that he felt himself put on in his defence and stood up for the integrity of the Bar to whom he appealed. The Chief Justice went over the whole arguments and stated how much it was to be regretted that the affidavits of disclaimer had not been forced on his notice before, when no arguing of the case would have been necessary. He finally discharged the rules against all the parties and made an appeal to the Bar. In both speeches we refer our readers to our report which we have tried to give with fidelity and accuracy.

Thus after weeks of agitation this important affair which has caused a greater sensation than any occurrence since the time of Sir John Peter Grant, has ended and we trust never to be revived. It may be expected that we should give our sentiments on the matter and in so doing at once disclaim all bias and all party feeling.

The article in the *Times* by the admission of two of it's own Proprietors and its junior Counsel was a contempt, and we confess that we cannot understand how any unprejudiced man can take up the article and read from the words, "At the request of Messrs. Forbes and Co." and ending with "a Society of Gentlemen" without coming to the same conclusion. Was it a fair and impartial criticism? We think not, it was invective and personality to

Digitized with financial assistance from the Government of Maharashtra on 28 June, 2017

Judge as well as disrespectful to the Queen's Court, which the learned Judge had no means of defending but by arming himself with the power of the Law, of which he is the dispenser. Still there was an evident reluctance on his part to push matters to extremity. He did not as he might have done attach the Editors of the *Times* and *Courier*, but he summoned the Proprietors who are legally responsible for what is published for their advantage. In the very preliminary stage of the business he said from the Bench that he would be satisfied with simple disclaimers from the parties of the knowledge of the contemptuous article. The day of trial came on, the Counsel for the defendants made a capital speech, all eyes were upon them whom every one thought stood up to vindicate the contempt, when lo and behold at the the eleventh hour, the disclaimers which the Judge had said would be sufficient were put in on affidavit, the rules were discharged and a useless forensic battle had been fought for an imaginary magnanimity which did not exist. Some observations which fell from the Judge after the conclusion of the case seemed to Mr. Cochrane to imply that the Judge required apologies in addition to the disclaimers on affidavit and he used the expression, "That he would not counsel his clients to make any other apology but would rest on the affidavits." This was repeated to the Judge who being conscious of never having asked for any such apology, inferred that the mention of the word implied a dogged determination to persist in the contempt. A great deal of the latter part of this case seems to have taken its rise in lamentable mistake and misapprehension. Had the affidavits been urged on the notice of the Judge as they ought to have been at first, all the discussion and warmth which has been exhibited would have been avoided.

The Supreme Court of this Country is naturally looked up to by all classes of the community, European and Native with confidence and respect as the Palladium of the liberty of the subject. Any attempt to lessen the respect due to such authority must be injurious to the great body of Society who are all individually and collectively concerned in maintaining its dignity. We are among a people who may be said to obey us as much from their opinion of our power and wisdom as from fear of our Arms. In a state of Society like this such an attack of the public Press as tends to lessen the highest Judicial authority in the eyes of the public must have an injurious effect, and nothing can be more unseemly than to find any portion of a small community attempting to support arguments subversive of the respectability of the Bench, and shewing a spirit which some may call independence and others dogged opposition and disrespect to the Court whose integrity all men are bound to support. We would be the last to advocate any attempt at a controlment of the Public Press. Our own vitality is at stake and we are not so stupid or judicially blinded as to support arbitrary power or any attempt to muzzle the free discussion of all public subjects in a Public Journal. But when we see a matter like that we have the misfortune now to record and comment on, when the conduct and language of a Judge upon the Bench, and who it must be remembered sat not alone nor paramount when those observations were first aimed at him.

When we say we see the honest convictions of the highest judicial authority canvassed and spoken of with less respect than would attend the oratorical displays of an auction eers rostrum, when we see such provocation we turn to the conduct of the Judge and cannot but contrast his lenity and forbearance with the bold bearing which brought the Government to Court who stood up for a subject, will go cleverly out of the scrape on the ground of disclaimer at the eleventh hour after the advocate had made a noble speech to vindicate the jurisdiction of the Court on the point of Law. The reply of Sir Henry Roper to Mr. Cochrane's very elegant and forcible speech exhibits a temper and moderation seldom excelled if equalled. He had determined that the dignity of his station should be asserted, and drew the Toga tight around him determined to stand or fall by the legality of his decision and the equity and exalted aim of his pure intentions. The Bar through Mr. Campbell have recorded an opinion which is honorable to themselves and can scarcely be accused of being tinctured with partiality, favor and affection. We feel sorry only for one part of the observations that in which Mr. Cochrane is accused of a want of ingenuousness. We think that he did intend to bring the affidavits to the notice of the Court, but argued the case in the jurisdiction as a matter of legal right and admitting that he erred was only so far wrong in as much as he did not insist in the Affidavits being read in Court at first. We shall conclude by observing that in a partizan case where much heat was engendered, the Judge preserved a mildness of language and demeanour which speaks well for his character as a Judge and his feelings as a man. Mr. Cochrane in doing what he thought best for the interests of his Clients introduced the unfortunate word *apology*, and hence all this revival of a case which had been disposed of. We trust the curtain has finally fallen on the scene and that in future the Press will maintain its independence without intemperance, and due respect he maintained towards the head of the Law without cringing or subserviency. If in the course of events however any unforseen collision should arise between the Bar, and the Journals of the day, we can only hope that a Judge may preside on the Bench who will have sufficient command of temper and judgement to hold on the even tenor of his way, as in the present case *sans peur* and *sans reproche*.

SUPREME COURT.

TUESDAY, APRIL 5.

ON Monday last the Contempt Case was disposed of by the Honorable the Chief Justice. The Court was much crowded, and great anxiety seemed to be manifested by the audience.

In the affairs of the alleged contempt of Mr. Charles Binny Skinner, Mr. Cochrane moved that the Registrar be directed to draw up the order made in this matter on the 27th of March last, the Registrar having refused to do so.

An Affidavit by Charles Hardy Bainbridge, Solicitor, was read to the effect, that on the 27th of March last, he heard the order made, and that he had sent a precipe to the Registrar to draw up the order accordingly, that the Registrar made a note to the effect that the Chief Justice had desired that the order might not be drawn up.

His Lordship then stated that the Registrar's memorandum was correct, and consistent with the facts. His Lordship shewed that on the authority of the King *versus* the Sheriffs of Middlesex, 1 Chitty's reports, where a rule has been discharged in consequence of a mistake or misapprehension of facts, it may again be opened. In that case the Court held that a rule of Court relied upon, in opposition to opening the rule *nisi*, did not apply, as there had been a misapprehension of facts. "In the matter, now before the Court," continued his Lordship, "I never heard the Counsel for the parties declare that he would not allow his clients to make any apology, or any words to that effect. The Counsel declares that he did use such words, and intended them for the ear of the Judge. Thus there has been a misapprehension of facts by the Court, and I can entertain no doubt, that, under such circumstances, and, in such a case, the Court is entitled either to open the old rule, or make a new one." Mr. Cochrane then handed in the following affidavits.

MR. COCHRANE then rose and spoke nearly as follows:—

MY LORD,—If I arose with anxiety on another occasion, what anxiety must I not feel now. I shall endeavour, as far as I am able to approach the subject in the language of firmness and moderation, being quite assured, that in the opinion of the wise and prudent, I may safely confide when I am placed on my defence.

When summoned before the Court, I attended at the bidding of the Judge: I did so from the respect which is due by me to the head of the Court. In doing so, which was a mere act of courtesy, I am fearful I have betrayed the independence of the bar. I was catechized and interrogated before you; I was asked what I had been instructed by my client.

C. J.—Not so. I asked you to say or not.

Mr. C.—Such was my impression—let me proceed. Never was I placed in so painful a position; a terrible alternative was proposed to me, "either admit your indiscretion as a Counsel, or I will send every one of your clients to the common Jail of Bombay": such fell strange upon my ear. I denied my indiscretion and retired: I consulted time and reflection: it was a painful struggle, and now after deliberation declare, that I will not stain the honored robe which has flowed around me, unsullied for many a year by submitting to the offered menace by betraying the dignity of my profession. Whatever event may occur, that I never will do, and never would my honored clients require it from me. I have been offered terms, admit your indiscretion, and I will let your clients go.

It is not I that have placed the Court in this terrible position; self defence has produced the affidavits which sweep away the very foundation on which the Court would fix its stand. If the Court be right in its fearful attack upon my character, the Gentlemen who have sworn must be guilty of perjury.

But since we are charged with intentional hostility to the Court, it is necessary that I should reproach such a charge. Neither client or Counsel entertained any such idea: from first to last our object has been to debate this sacred and solemn question, whether this Court has authority to stop the right of free discussion, and to establish a censorship over the public press. Such a principle sunk all minor differences, and united all in one bold purpose. It would have stained that sacred object to have polluted it by the meanness of any contamination of personal opposition.

It has been stated that the affidavits were not brought to the notice of the Court: I have before affirmed that I myself stated them: plenty of affidavits have been tendered me: I thought it right only to defend myself against the charge levelled against me. I felt a wish to do no injustice—it would not be right. I thought it the less important as my affirmation was as good as another, and in addition to that it was your Lordship's duty to read the ground of so important a motion which was before you. It was an imperative duty on the Court to do so, when they were about to affect the liberty of the subject; some mistake appears to exist as to the position of my clients. It is considered that if the affidavits were read that would have stopped the discussion. That could not be, for our very *Petition claims* to be heard *against the jurisdiction* of the Court, and according to the practice as laid down in the Ecclesiastical commission we had a right to be heard thereon, prior to any discussion on the merits: that question therefore must have preceded all affidavits.

It was a preliminary question and was to be first decided; but even if the report in the *Courier* instead of being incorrect as shewn had been perfectly just, I was only telling you the honest truth, and showing you that there was no "mental reservation" but an independent assertion of a public right, maintained by my clients who have supported their advocate in this hour of peril.

But let me admit, even though contradicted by the affidavits, that this *was* the indiscretion of the advocate; surely it would be misfortune enough for a client to fall in the way of an indiscreet advocate, without having the additional misfortune of being put into prison. Would it be that substantial justice, directed by the Charter, to visit on him the miserable incapacity of his Counsel. If indiscretion of Counsel were to give clients a title to a jail, the prisons in England would be replete with unfortunates. Will it be justice to put a numerous body of Gentlemen into jail because they have an indiscreet advocate.

So much for this; now as to the order. It strikes me as very odd that a dead order should arise in judgement against me. I thought that according to 2 Chitty p. Phillips v. that it was for ever laid in the dust. In the case alluded to by your Lordship that was a mere mistake of Counsel, and can have no applicability to the circumstances of this case.

But says the Court, I did not want you to make any apology. Now 13 or 14 Gentlemen on oath say you did: where is the indiscretion on my part? what right has the Courts call it an unprovoked attack? Even if it stood as reported in the *Courier*, it was not my business to deceive the Court when I was arguing the rights of the public press. My clients come forward and say we will go so far and no farther. Are they to give up the rights of the public or to fight the public battle manfully out? For my part I affirm that my clients have endeavoured to pursue the honorable and just line of conduct, asserting the rights and privileges of their countrymen; and was it expected that Merchants like these would betray them? Never. Wherever the British flag waves, under that banner which so often has brought assistance and succour to the afflicted and distressed, there the noble British Merchant is first and foremost ever found in defence of the rights of his fellowmen.

If this be a contempt of the advocate, let him suffer; but do not punish the clients. Instead of receiving thanks from the Court for my moderation on this former occasion, I am dragged up as a criminal before it to answer interrogatories; and because I will not follow the Court's dictation, I am threatened with the destruction of my clients. Did I not cautiously abstain from all comment on the ever-to-be-lamented judgement of the Court in the case of Forbes and C., I only alluded to one single sentence. Had my object been malevolence, within the full scope of a Counsel's right, I could have stripped it from pillar to foundation stone; instead of this I passed over the whole, and checked my junior even in alluding to it. Instead of insulting, I might be taxed with betraying my clients—for the sake of peace.

Now, my Lord, I have to ask you this—if any man had counselled you never to embark in the dangerous path you are treading—if any man had implored you not to do so, would you—could you deem that man your enemy? look well upon me.

Does your Lordship think that nothing fell from you but what has found its way to your notes. What is it you have done—instead of being grateful to me for my moderation, as Chief Justice you have attempted to destroy me; my conduct is submitted to all; I am on my deliverance.

And now that I may not fail others, I declare most solemnly that my recollection agrees with that of the gentlemen who have sworn. You cannot know to what my observations applied, because in plain truth you tell us that you never heard them; and can you, against the oaths of gentlemen unconnected with this matter still maintain that my observations were gratuitous and unnecessary?

The magnanimous four, and the illustrious gentlemen of the bar were let go on their bare statements. Why will you not receive the affidavits of my clients. How can you proceed now when the very foundation on which the Court rested my indiscretion is swept away by the affidavits filed to day. You say you dont want an apology, we never intended to give you one, we were asserting a public right. This was their object. How far I have maintained the honor and independence of the Bar I leave to the public to determine; undoubtedly, to day I have been placed on my defence; but let me end this matter shortly at once;—if you intend sending my clients to jail, send them there at once, let there be an end of it, do not bring gentlemen here like criminals from day to day to the terror of their wives and families and to the hindrance of their business. If they are guilty, punish them, but do not inflict punishment for the indiscretion of an Advocate. If I am guilty punish me, and let my clients go. Do not resuscitate dead orders to trouble the living. What would be said in England if a Chief Justice of the King's Bench, after a rule had been disposed of, were to summon an advocate like a criminal before him and tell him—unless you will admit me right and you wrong, I will instantly send every one of your clients to the common jail? Why each particular hair of the learned gentleman's wigs would stand up like quills upon the fretful porcupine. No doubt that advocate would protest as I have done at a proceeding which in effect would destroy the usefulness and independence of my profession. Come forward at once, admit the original mistake—the delivering that ever-to-be-deplored judgment, such conduct will do you no dishonour. Listen to me, retrace thy steps, thy deadliest enemy would cheer the on the broken and fatal path thou art treading. This is not hostility but honest advice from one who, placed upon his defence here to day, has been acquitted by the oaths of more than a jury, and thinks himself entitled to a good deliverance.

C. J.—What do you say for the *Courier*.

Mr. C.—I will put in the Affidavits.

(Affidavits put in.)

(Henry Fawcett's & Leckie & Cormack's)

Mr. C.—I have said all I wished; all rests on the Court's supposing my observation gratuitous and not in answer to a question. I have already stated the deep importance of this question, and given the reasons why my clients came forward to try a general right and not to vindicate individual hostility; my clients met the Court at once by repudiating the jurisdiction. That question we had a right to try whether the Court discharged the order or not on the merits. They have performed their duty to the public; their advocate has endeavoured to maintain it also. I implore your Lordship to retrace your steps, quit this fatal path. Remember the voice of the warning that may have been given, will fall low and ominous on your ear.

SIR H. ROPER, Chief Justice:—

"In Court, on Tuesday the 30th of March. I carefully read to Mr. Cochrane, the note I made regarding this matter, on that occasion. That note is before the public in the newspapers. It thereby appears I then declared, that not one word had been said by me of an apology being *requisite to accompany the disclaimers*. That was the very expression, and Mr. Cochrane could have been under no mistake regarding it. I asked him if the note contained any thing he objected to as incorrect, and I certainly understood him to intimate that it did not. I had uniformly declared, that even if any gentleman should be unable to disclaim having been intentionally or knowingly a party to the publication, a mere expression of regret should be deemed sufficient to exempt him from all annoyance. After my decision had been given on the 27th of March, and after the rules had been discharged, one gentleman wished to address the Court, I was afraid he might say something to his detriment, and therefore suggested that he had better refrain from doing so. He did refrain accordingly, but thinking his feelings might have been affected by my observation—" that I could not suppose gentlemen of their rank and station were capable of any evasion or mental reservation"—and that therefore he might have wished to shew that he had some knowledge of the publication. I was anxious to soothe his feelings, and reconcile him to remaining silent and therefore said to him "Even if you had avowed a culpable knowledge of the article, a mere expression of regret would protect you."

Such was the language I uniformly held with respect to such of the parties as might be unable to disclaim; but I also, throughout the proceedings, abstained from intimating that an apology should be required to accompany a disclaimer. It is highly probable that I did use the expression, mentioned in the affidavits, namely, "that if any of the gentlemen before the Court would even then express regret for the publication of the articles complained of, it was not then too late." It has been sworn that I did use such expression, and I therefore believe that I did so. But it appears from the affidavits that such expression was uttered after the rules nisi for attachments had been ordered to be issued, and before I had read the affidavits containing the disclaimers. On reading those affidavits, I at once discharged the rules, and until I read them, I fancied that any thing they contained by way of disclaimer must be very insufficient and unfit to be termed a disclaimer; for I could not otherwise account for their not having been forced upon my notice in the first instance. On looking at the disclaimers, I was astonished at finding them so full and satisfactory, and was indignant at their not having been forced upon my notice in the first instance. I expressed regret at the circumstance, and the Counsel did not then account for having withheld the information, by pleading the necessity of contesting the jurisdiction before hand. That plea I incline to think is an afterthought, subsequently resorted to.

That I used the expression "If any gentleman before the Court should even now express regret for the publication of the articles "it is not too late," or words to some such effect, (the affidavits vary in stating the exact expressions) is most probable, and being so sworn to, most true; but it cannot fairly be thence inferred, that I required apologies to accompany the disclaimers. The time at which the expression was uttered, according to the affidavits, is inconsistent with such an inference—is at variance with my conduct and language throughout the proceedings. In the first instance, on the 18th of March, I merely requested Mr. Howard and Mr. Montrion to sanction my well-founded assumption, that they had not been knowingly or intentionally parties to the publication. No apology whatever was demanded from, or was made by either of those gentlemen, and upon that occasion I said to them in open Court:—"In "directing that no measures be adopted towards "you regarding this affair, I do no more than I "should do by any other person, who, being "a co-proprietor, disclaimed having been intentionally or knowingly a party to the publication, or who, having been wilfully a party to it, intimated that he felt regret for his conduct." Thus the expression of regret was only looked for where a person had been wilfully a party to the publication, and was unable to disclaim having been knowingly or intentionally a party to it. On the same day, the 18th of March, after directing the rules to be issued, I observed I should not require affidavits from the parties, but should be quite satisfied with oral declarations of not having countenanced the articles. Not one word was said of an apology.

On Saturday, the 27th of March, the rules against Mr. Martin and Mr. Wright, were discharged on their mere oral statements, without oath, that they had not seen, or known anything of the article in the Times, or words to the like effect, but neither Mr. Martin nor Mr. Wright was called upon to make, or did make, any apology. The two native Gentlemen did indeed express regret, and one of them even indignation, that the article had appeared, but such expressions had not been demanded from them, and where merely the effusions of generous minds. An extorted apology, except so far as it may operate in punishing the party making it, seems to me utterly worthless, and I should be reluctant to punish by forcing on apology, because apologies are often made by men of high and generous feeling, anxious to repair a wrong, or retract an error.

Such an apology is alike gratifying to him who makes it, and to him who receives it; but the expression of noble sentiments by way of apology would be checked, if the making an apology were to be considered a punishment. As more effectual penalties might be resorted to, I should have been most reluctant to have imposed the making apologies as punishments. It was left to the parties themselves to make apologies or not, at their pleasure. No apologies were made by the present clients of Mr. Cochrane, and no apologies have been demanded from them. What value could be set on extorted apologies made by men, who, by their counsel, upheld the articles in question, thereby affording room for supposing, that such articles might be congenial with their tastes and feelings.

Again,—I prefaced my judgment on the 27th of March, by observing, that I had had "no "idea, the affidavits alluded to by Mr. Cochrane had, for their object, to deny a guilty participation in publishing the articles in the "newspapers." That "they were not brought "forward in such a way as might lead me to "suppose such was their purport." That the "counsel proceeded to argue the question on "the broad merits: in no degree professing "to disclaim the articles on the part of his "clients, but on the contrary, justifying and upholding them."

In all this there was no allusion to an apology being required to accompany a disclaimer. In another part of the judgment, I thus expressed myself: "It was supposed, when the rules "were issued, that all parties would avail themselves of the opportunity afforded.—" That "they would *either* collectively or individually "express regret for the publication of the articles they are charged with having published, "or that individuals alleged to be co-proprietors "would *either* disclaim being proprietors or "having knowingly or intentionally become "parties to the publication, and as already observed, parties making such statements should "at once be exempted from further trouble in "the business." It is obvious from this passage, that an expression of regret was only looked for from such persons as might be unable to disclaim having knowingly or intentionally published the articles. There was no intimation that even in that case an apology would be enforced. The phrase employed merely intimated, that an expression of regret would be sufficient—sufficient to what purpose?—not sufficient as a punishment, for expressing regret is not punishment, but sufficient to excuse the court from imposing any penalty, inasmuch as such an expression of regret would have denoted that more generous feelings had arisen.

In concluding my judgment on that day, I directed rules nisi to be issued instead of issuing attachments in the first instance, and stated "that "such course was adopted in order to give the "parties another opportunity, of *either* disclaiming all guilty knowledge of the articles, or "expressing regret for their appearance in the "journals referred to."

In this passage, which is copied from the newspapers, it is evident that expressions of regret were not looked for from parties disclaiming guilty knowledge of the articles. The word "either" and "or" are significant on that point.

I am utterly unconscious of having intimated that an apology was requisite to accompany *a disclaimer*. The affidavits do not impute it to me, and have not taken the distinction between an apology being required to accompany a disclaimer, and a mere expression of regret being looked for from any gentleman who might be unable to disclaim. Mr. Cochrane has not noticed the distinction, although I read my note to him, in which the words were *pointed and explicit*.

If I ever used any words capable of being misconstructed into an intimation that apologies would be required along with disclaimers, it would have been when I hesitated whether the disclaimers ought to be received at the eleventh hour, after the matter had been unnecessarily argued, and in a hostile manner, and without my attention having been drawn to the disclaimers in the first instance. Such hesitation arose for an impression, that the parties had been instigated by bad feeling in thus allowing me to continue in want of the disclaimers, in order that the matter might be argued. That impression was ultimately removed by the reflection that such misconduct was attributed rather to the counsel than to the parties. But it might have been removed by other means—A voluntary apology or expression of regret for the delay in bringing forward the disclaimers, and for not having forced them upon my attention in the first instance, would have removed the impression, and in that sense, I may possibly have expressed doubts, whether after such delay, and a hostile argument, the disclaimers could be received without an explanation or apology; but such word, apology, if employed, and I am utterly unconscious of having used it, would have meant apology for the delay, and for not having forced the disclaimers upon my attention at the outset: the word could not have implied, or have been intended to imply, that an apology for the publication

of the articles would be required, as well as a disclaimer of having been knowingly or intentionally, a party to the publication. Such a construction is utterly at variance with my conduct and language throughout the proceedings. But Mr. Cochrane has avowed his readiness to defend his having said he would not allow his clients to apologize, even under the circumstances set forth in the Courier of the 30th of March, as those under which such refusal was expressed.—Now, be it observed, that the Courier is one of those newspapers belonging to his own clients, and Mr. Chochrane made no objection to the report on the 30th of last month. But look at the circumstances under which, according to the Courier, this refusal to apologize is alledged to have been made, and say whether it was not a most wanton, unprovoked hostility. The report says : "The "chief justice at first objected, but ultimately "acceded to the request"—that request was, "that the affidavits might be put in and read." Therefore, by their own showing, I had admitted them. The report goes on thus : "The affidavits of Messrs. Fawcett, Henderson, and Boaden were then read by the Registrar, and afterwards perused by his Lordship. Now, be it observed, Messrs. Fawcett, Henderson, and Boaden, are all three proprietors of the Courier, and have no connection with the Times, and it is thus apparent, that up to that period, I had not seen the affidavits of the proprietors of the Times. The report then states : "As the affidavits of all, the Courier "and Times, are respectively alike we have given "one of each." One of each is then inserted accordingly, but it is by no means pretended, that I had seen any affidavit by a proprietor of the Times, before I expressed myself, according to the report in the Courier, in the following terms : "These affidavits contain a full disclaimer of any "knowledge of the article in the *Courier*, a dis"claimer similar to that on which I discharged "the rule, against Messrs. Martin and Wright. "I regret much that these affidavits were not "more particularly brought to my notice in the "first instance, as I think they ought to have "been, when a knowledge of the disclaimers con"tained in them would have rendered all this un"necessary."

In the passage thus quoted from the report in one of the papers belonging to the parties, the word *Courier* is put in Italics, as if I had laid an emphasis upon it. Why was it so put ? Was it in order to justify the insolent refusal of an apology alledged to have been uttered by the counsel immediately afterwards, in the following terms :

"I certainly stated these affidavits to your "Lordship ; they are filled, and I do not feel "myself justified in allowing my clients to make "any apology." Suppose I had even demanded an apology, would such a demand have justified such a refusal. But I made no demand of any apology to accompany a disclaimer. The affidavits, filed this day, do not impute it to me, and circumstances are inconsistent with the idea that I did so. The reports in the papers belonging to his own clients do not (even) impute any demand of any apology whatever to me. Even had I laid stress upon the word "Courier" would it not be an unfair inference that thereby I implied or expressed a demand for an apology from the proprietors of the Times, would it not be a much more fair inference that thus I intimated satisfaction so far as the proprietors of the Courier were concerned, but limited such expression to them because I had not yet seen any of the affidavits made by the proprietors of the Times. That I had not then seen any of them, is shown by the report in this paper belonging to his own clients, which report next, states as "follows. Some of the "affidavits of the proprietors of the Bombay Times "were then read by the registrar and afterwards attentively perused by his Lordship."

Were I to allow the feelings evinced towards me by these gentlemen to influence my conduct; were I to allow hostility and imputations on their part, towards me, who have shown much forbearance and anxiety for their relief as well as for my own, to have the usual effect of provocation. I might be justified in making the rules absolute. But these gentlemen have respectively stated that they rested the case on their respective petitions and affidavits, and on the *discretion* of their counsel, and that they did not in any manner interfere with their said counsel in the conduct and management of the case. Therefore, and as the former rule was opened, or the new one granted—solely in consequence of the expression their counsel uttered, I apprehend I should be doing wrong to them, and mischief to the bar in general, were I not to discharge the rules, and they are now discharged accordingly.

The rules being thus disposed of, I would now address a few words to the profession. You have been appealed to by Mr. Cochrane, and I will follow his example. I have shown this day I can somewhat patiently endure invective imputation, and strong language, and when I assure you it has all been uttered with impunity to Mr. Cochrane, you can hardly hesitate to express your opinions, either here or elsewhere, in public or in private, without reserve, if you think I have, in any degree violated the dignity or independence of the Bar, either in these transactions with Mr. Cochrane, or in any thing that has ever occurred between you and me in our respective professional capacities. I will carry my appeal to you still further.—I believe every member of the profession was present when these matters were before the Court on Saturday the 27th of March. The conviction on my mind then was, as it still is, that Mr. Cochrane the senior counsel for the parties, did not draw, my attention to the fact, that his clients, in the affidavits he produced, respectively disclaimed having seen or known any thing of the articles, until after they had been published, and that he ought to have done so. He did indeed state he had affidavits made by his clients, but, on my interposing, by saying I regretted the parties had taken the trouble to make affidavits as I had already declared mere statements by them, without oath, should be considered sufficient, and that any mere oral declaration by them or their counsel should be received accordingly. Mr. Cochrane merely added that the affidavits admitted his clients were the proprietors, and requested they might be filed, or read and filed. On my saying the affidavits might be taken as read, he did not in the slightest degree draw my attention to the disclaimers contained in the affidavits, but allowed me to remain under the impression that such affidavits went no further than he had mentioned, and did not contain any disclaimer of having seen or known of the articles previous to their being published. The impression on my mind, I repeat, is that Mr. Cochrane did not in any way draw my attention to the disclaimers in the affidavits, but allowed me to be misled by the notion that they merely referred to the ownership of the newspapers or other comparatively immaterial matters. I leave it to you to consider whether he did or did not allow me to remain in the dark regarding these important matters, and whether he has assigned any good or sufficient reason for his conduct.

Had the disclaimers been made known to me, all further proceedings would have been unnecessary, but the disclaimers having been concealed or at least not having been brought to my notice, the senior counsel proceeded with his speech—never in the slightest degree alluding to the disclaimers, of the existence of which I was utterly ignorant, until his Junior Counsel referred to them. Making every allowance for any wish Mr. Cochrane might have entertained to have an opportunity to deliver his speech. I do not think he displayed upon the occasion that ingenuousness the Court is entitled to expect from the Bar. True it is, he tendered the affidavits, and I said they might be taken as read, and I did not inspect the affidavits myself, although when Mr. Cochrane has made any application ex-parte, or without being opposed by counsel, I have usually thought it expedient to examine the documents on which the application was founded. But in the instance in question, I did not think it possible, there could be any suppression or reserve, especially as I had already discharged the rules against two gentlemen, on their mere oral declaration, without oath—such declarations being hardly so full as the expressions contained in the affidavits. The note bringing the disclaimers by affidavit to my notice in the first instance seems rather inconsistent with that respect, love, and so forth which the learned gentlemen professed towards me, and I believe there is no other member of the bar who would not have had the kindness to force the disclaimers on my notice, and thus have put an end at once to the unpleasant affair.

☞ After the Court had adjourned Mr. Montriou said "that now the matter was settled, as one of the Proprietors of the *Times* he rose to declare his unqualified reprehension of the article in that journal or words to that effect."

After Sir Henry Roper had delivered his judgement in the *contempt case*, he quitted the Court, and, on his again returning, Mr. Campbell rose, the greater portion of the members of the bar being present, and stated that he had been unable to reply, at once, to his Lordship's appeal, not knowing the opinion of the rest of the Bar, but that he was instructed to state, by all his learned friends around him, that they coincided in his Lordship's opinion, that the petition and affidavits containing the disclaimer, had not been sufficiently brought to his Lordship's notice, in the first instance, and that the impression, on their minds, was, that there was no disclaimer either in the petition, or the affidavits, and that the Bar entertained the highest respect for his Lordship's conduct throughout these proceedings. It was also the opinion of the present gentlemen of the bar, that His Lordship merely wanted either an apology, or a disclaimer from such as had no apology to make. His Lordship after expressing his satisfaction at having his conduct so warmly applauded, by the learned gentlemen, begged them to accept his thanks, and then withdrew.

We may observe that Mr. Cochrane was not present when this was going on, and we think that the scene would have gone off better in his presence.

YESTERDAY morning the 6th April when the Court assembled, Mr. Campbell addressed the Judge on behalf of himself and his learned brethren Messrs. Crawford, Herrick, Howard, and Montriou, as follows :

MY LORD,

After having had the honor of addressing your Lordship yesterday Evening on behalf of my learned Friends then present and myself (a course by the way hastily adopted) on finding your Lordship suddenly and to me unexpectedly return into Court, it was recollected that Mr. Cochrane had not been present. With the concurrence of my learned Friends, I addressed the following letter to Mr. Cochrane yesterday evening,

MY DEAR COCHRANE,

At the request of the Members "of the "bar then present I responded this after"noon to the appeal of the Chief Justice, "It is a source of regret to me that you "were not present, but it arose from an "accident partly occasioned by the Chief "Judge coming unexpectedly into Court. "With a view to do away with any supposi"tion on your part that we intended to act "unfairly to you, it is my intention again "to express our opinions to-morrow at the "sitting of the Insolvent Court when I "hope you will attend and hear what is "said."

Your's truly,
(Signed) J. CAMPBELL.

Mr. Cochrane being now present I am requested to repeat in substance before him the opinion of my learned Friends and myself in answer to your Lordship's appeal to us.

In the first place whether your Lordship was informed that the Affidavits put in by Mr. Cochrane contained any disclaimer of guilty knowledge or participation in the articles in question, I am requested by my learned Friends to say that the impression left on our minds was that the Affidavits were not so brought to your Lordship's notice as to apprize of the disclaimers they in fact contained and that there was in this a want of ingenuousness.

The 2nd point to which your Lordship drew our attention was whether your Lordship asked for an apology in addition to a disclaimer. I am requested to say that to the best of our recollection and belief, the word, apology, never passed your Lordship's lips, and that in so far as your Lordship asked for any expressions of regret for the publication of the articles themselves, such expressions were expected from those alone who would not make the disclaimer which your Lordship so repeatedly said would satisfy you.

And now my Lord, I have the highest satisfaction in being requested by my learned Friends to say that they much admire the calm, temperate and forbearing manner which your Lordship has displayed throughout the whole of these most trying and painful proceedings.

In to-days *United Service Gazette* there is a report of what was said yesterday and at the end of it there is the following paragraph.

"We may observe that Mr. Cochrane "was not present when this was going on, "and we think that the scene would have "gone off better in his presence."

And undoubtedly it would have been better if Mr. Cochrane had been present and the Editor of the *United Service Gazette* might have had the candor to confess that he was *particularly requested not to publish what had taken place because of Mr. Cochrane's absence and because the* matter would be renewed this morning in his presence.

WE understand that Mr. Campbell refused a retainer for the Proprietors of the *Courier* for the last argument in this matter, and on the former occasion had returned the retainer for the Proprietors of the *Times*, we believe it was on account of his being Clerk of the Crown.

CHINA.

Bombay Times, Extra April 5.

NEWS FROM CHINA TO THE 26TH FEBY.

RECOMMENCEMENT OF HOSTILITIES.—The following news from China appear to us sufficiently important to warrant us in the issue of an Extra, the more especially as by this means and not otherwise, we shall be enabled to supply Chinese intelligence to our Persian Gulf readers by the H. C. S. *Elphinstone*, which departs for Karrack this evening. Hostilities have again commenced. That this would speedily be the case was long ago anticipated. The following letter meant for despatch by the *Cleopatra* has just been put into our hands, it is from a well-informed Mercantile house in Macao. We shall publish the whole along with what other documents may by that time have reached us in our issue of Wednesday.

MACAO, *February 26th* 1841.

"This Vessel is despatched direct to Madras, with letters only, in the hopes of being in time for the Mail of 1st April from Bombay, and to give you the fullest and most correct information as to proceedings. We enclose an Extra of the last Register of the 23rd instant, in which you will observe the Emperor's replies to the late attack on Chuenpee and Ty-cock-tow. Since the date of the enclosed, hostilities have once more commenced at the Bocca Tigris, as announced to us this morning, by Circular from Capt. Elliot, and that H. M. S. *Calliope*, with the Steamer *Nemesis*, had attacked a strongly posted division of the Chinese at the back of the Forts, protected by a breast-work, and between 80 and 90 pieces of cannon. The post was carried by the British, and the guns and a magazine of Military Stores destroyed. The loss of life on the part of the Chinese not ascertained : no casualty on the side of the English : this is the whole of the information received from the Plenipotentiary ; but private letters from the Fleet state, that orders were issued from the Commander-in-Chief for the capture of all the Forts, and the smaller vessels of the squadron to proceed immediately thereafter to the Fist Bar. The *Wellesley* had got up, and they were waiting the arrival of the *Melville* and *Blenheim* before these orders were carried into effect, which was expected on the evening of the 24th :—we are waiting to the last moment the despatch of this vessel in the hopes of further intelligence. Various are the surmises, as to the extent this warfare will be carried on at the present time, for it is very evident, from the anxiety of the Commodore, to stop the troops ordered from Chusan direct to India, (H. M. S. *Starling* has gone to cruise for that purpose) that he considers his force here not sufficient, in which case no doubt they will proceed no further after taking possession of the Forts, but hold them until the reply of the Emperor ; or should they find themselves sufficiently strong, they may go at once to Canton. It is said that Hong Kong is given up, and though it is not unlikely that ultimately such may be the case, for there is no doubt but H. E. the Guardian of our trade will submit to any act of degradation if he can only realise to his employers his promise that 40 millions of Teas would be sent home in 1840 | 41. We would particularly call your attention to the translations of the Emperor's replies ; for though they seem to bode any thing but peace to the English, it is very evident from the spirit they are written in, that his Celestial Majesty is most dreadfully frightened, and hence we learn to our sorrow, what we have lost by our Government representatives not adopting firm and decisive measures at the commencement ; had such been done long ere this our demands would have been complied with.

The smuggling trade that has been carried on for many months through the inner passages is now nearly done away with, as the Chinese Government have brought up all the boats, and on the other hand the English Men-of-war have seized several Chin Chew junks just arrived from the Northward, so that between the two, we are not likely to have any trade at all.

Sailed for Bombay.

Lantao,.....February 15.
Bomanjee Hormusjee... do. 22.
Westmoreland.....to sail about 1st March."

The H. Co's. Steamer *Nemesis* visited Macao about 11 P. M. on Sunday last, delivered despatches, and left immediately to rejoin the squadron in *Hongkong* bay.

H. M. ships *Herald*, *Modeste*, and Steamer *Nemesis*, detained 11 junks on Monday, six from Chinchew and five from Singapore.

The line of the battle ships passed Lintin yesterday afternoon about 5 o'clock on their passage to the *Bocca Tigris*.

It will be observed from the extract from the Glasgow Chronicle, that official advices have been sent Home that 40,000,000 lbs. of tea will be exported to England in the season 1840 | 41 : passing by the fact that this large quantity has not been manufactured in the tea districts—we must observe that these premature advices will only tend to depress the tea market without sufficient reasons : while in China the prospect of the Merchants resuming their transactions in a now most unprofitable market is more distant than ever.

With reference to the return of the British merchants to Canton, we presume that before they again venture to put themselves in the power of the local Government, the tartar troops must be withdrawn from the city. Indeed, the suspicious circumstances of the assembling of these troops, and the building of new forts, ought long ago to have formed the ground of the most serious protests from H. M's. plenipotentiary : these acts on the part of the Chinese were such sufficient indications of hostile intentions, as should have induced H. E. himself to have broken off the negotiations, instead of leaving that course to be adopted by the Chinese.

In the most favourable point of view, we must consider that the residence of any British subjects hereafter in Canton will be very miserable ; they will be completely in the hands of the hong merchants and linguists, who will govern the trade as they choose, and for their own profit only. Every petty artifice, every vexatious delay in the management and settlement of mercantile transactions will be resorted to ; the Chinese will demand and obtain their own prices for their own goods, and also will give only their own prices for British goods ; and the hong merchant will not forget the council of Lin,—to put on a 'loftiness of demeanour,' and require the British merchant to call at his hong, *in full dress, a sword by his side* three or four times before the hongist permits him to enter his presence.

French consoo charges are being laid on teas, &c. ; and it is reported that 25 cents is to be added to the duties on U. S's domestics.

COURT OF JUDICATURE IN CHINA

With reference to the 5th paragraph of h. m's. plenipotentiary's proclamation, published in the Register of the 9th inst., which is as follows :—

'And I do further declare and proclaim, that pending h. m's. further pleasure, all offences committed in Hongkong by h. m's subjects, or other persons than natives of the island or of China thereto resorting, shall fall under the cognizance of the criminal and admiralty jurisdiction, presently existing in China.'

Now, without again adverting to captain Elliot's own impression that he had probably exceeded his powers by setting in action the criminal jurisdiction &c., we shall refer to the act of parliament and orders in council for information, whether the court of criminal and admiralty jurisdiction in China has been legally erected : for the property, liberty, and lives of British subjects are too sacred to be governed by a mere proclamation.

The 6th paragraph of the act of parliament gives to the King in council *the power* to *create* a court of justice with criminal and admiralty jurisdiction for the trial of offences committed by H. M's subjects within the said dominions, &c.

By the order in council of the 9th of December, 1833, it was ordered by his majesty that there *shall* be a court of justice, &c.—and that the said court shall be holden by the chief superintendent for the time being, &c.

Now courts of judicature exists by act of parliament, or letters patent, or are continued by prescription.

H. M's subjects in China have never had read to them any act of parliament, or letters patent, erecting such a court of judicature in China ; nor any commission, or other legal instrument, from the crown opening such court.

H. M's Chief Superintendent, in his official public notice to British subjects, dated Macao, 26th July, 1839, says :—'In obedience to an order of his late most excellent Majesty in Council, &c. the following rules of practice and proceeding are hereby promulgated, to be observed in the Court of Justice with Criminal and Admiralty Jurisdiction *created* in the aforesaid order in council, &c.

But with all due submission to H. M's Chief Superintendent, neither the act of Parliament nor the order in Council, *created* the court : the former enacted that it shall and may be lawful for the King in Council to *create* a court of justice, &c. and the latter ordered that there *shall be* a Court of Justice, &c. ; but *shall be* is not *is* ; nor, we would humbly presume to say, was the order in Council given to be obeyed by H. M's Superintendent : the order was to be carried into effect by the legislature erecting such court of judicature under the usual constitutional forms ; as we hold these opinions, we cannot believe that there is any Court of Jurisdiction presently existing in the dominions of the Emperor of China : and with this impression on our mind, it is our duty to state it to the British subjects in China.

HONGKONG.

With regard to the future destiny of the island of Hongkong as a British settlement and free port, it may be prudent to consider what probability there is that a legal trade with this empire will ever be allowed to exist there. Any body who has been in Cork may remember the celebrated locality of the "holy ground ;" and we anticipate some such *sobrequet* for Hongkong in future years.

H. M.'s superintendent, in his speech to the meeting in Canton on the 17th Dec. 1838, made the following observations.—'Of its futurity (the opium traffic withinside the *Bocca Tigris*) it might be safely predicted that it would fall into the hands of the *reckless*, the *refuse*, and probably the *convicted*, for all the countries in our neighbourhood.'

Now if this was a true prediction of the opium trade *in the river*, subject to Chinese domination, what shall be foretold of 'its futurity,' in the British island of Hongkong, protected by British domination? For opium must be warehoused there so long as the E. I. company's manufacture and sale of it continue : Hongkong, then, will be the resort and rendezvous of all the Chinese smugglers, opium smoking shops and gambling houses will soon spread through its vallies and on the declivities of the hill : to those haunts will flock all the discontented and bad spirits of the empire ; the island will be surrounded by *shameens*, and become a Gehenna of the waters.

It is also not at all improbable that in the course of time, a great part of the foreign trade will fall into the hands of the Chinese ; they will both import and export into and from England on their own account.

Territorial possession in China—which will probably be followed by territorial aggrandizement—we do not conceive to be great *desideratum* with England. Leaving all minor considerations. the renewal of the trade on a new and extended basis, must certainly be the primary object with her majesty's government : and would not free access to the posts of all the maritime provinces, with acknowledged rights of residence, locomotion, and protection be infinitely more powerful for the attainment of that object, and far more conducive to the interests of British manufacture & the honour of the British crown and nation, than the possession in fee simple of a few square miles of territory, almost within stone's throw of the mainland of China ; and which possession must ever be regarded by the Chinese government as a hotbed of sedition, as a school of opposition to its rule and laws, and as a smuggling *depot*.

We have extracted from the Chinese Repository for January, the interesting account of the attack on the Chinese forts on the 7th ultimo, for we doubt not that its perusal will afford a lively satisfaction to the officers and men of both services employed.

The appeal to the emperor by the slain *Heetae's* relations is a remarkable circumstance.

We have not a doubt of the authenticity of the documents from which we have made the following translations, although the transcriber may have made some mistakes. Our readers will observe that *Keshen* forwards the Admiral's report of the capture of the forts, without any comments. The Emperor's reply is a very rambling, immethodical production ; there is no allusion to *Lin* in the original ; so the report of the restoration of that magnate to the governorship of the two *Kwang* provinces must be without foundation ; he may probably be at present an adviser to *Keshen*, and by and by we should not be surprised if he were reinstated in the office of governor : Canton will be a pleasant place of sojourn under his rule, to the tender mercies of which we are told we are to be abandoned.

The allusion in the emperor's reply to the Portuguese opium (occidental countries), arises from the old association of ideas, when Macao was the *entrepot* for the drug.

When the emperor tells his officers to settle affairs," "cut off trade for ever," "exterminate & drive out the English foreigners," &c. he little knows the difficulty of the tasks which he imposes on weak and unwilling instruments ; or the misery and ruin he is involving on his empire and dynasty. The tenour of the emperor's reply induced us to expect much passive resistance in future to the foreign trade generally, but more particularly to the English trade.

Report of the Governor of Canton to the Emperor on the capture of the Forts of Chusan and Tykoktow.

Keshen, governor of Canton, on the 16th day of the 12th moon, (January 8th) made the following general report.

I, (Your slave) *Keshen*, report respecting the English foreigner, who, not waiting for a reply, attacked the batteries ; this respectful statement is hurried on at the rate of 500 *le* per day ; looking up I beg for the imperial glances.

I to day (January 8th) prepared a document to be sent in reply to the English foreigner, and a flag of intimation was hoisted (at the forts) and so forth.

I now respectfully report in a duly prepared address, that immediately after (having sent the said document) I received a flying report from Admiral *Kwan*, that early on the morning of the 15th (Jany. 7th) all the English ships weighed their anchors and arranged themselves to attack the forts of *Shakok* and *Takok* ; the firing of the guns was without intermission ; the attack was made on all sides from about 9 till 3 ; it is calculated that each of the English ships had more than ten guns ; our soldiers put forth their strength and opposed the attack, until 3 o'clock, and they observed at a distance the foreigners dropping into the sea. At that time the tide ebbed and the foreign ships ceased their fire, being at anchor in the mid-channel between *Shakok* and *Takok*, and each party stood in defiance of each other ; and it was generally expected that next morning when the flood tide made, the battle would be renewed. There were also four steam vessels, which attacked our vessels, which attack our troops also immediately opposed, and the victory was undecided, and the steamers speedily returned to the offing &c.

After my arrival in Canton, I repeatedly corresponded with the English foreigner, and my papers were all of a conciliatory and admonitory description ; and as to the list of conditions which he requested, although I could not comply with all his insatiable desires, still there were some which might be granted. But the said foreigner on the 14th day (Jany. 6th) sent in a paper and did not wait for my reply, but forthwith early on the 15th day attacked the forts : to such an extreme pitch had his domineering pride and perverse violence arrived ! It is said,—or recommended—that we should confine ourselves within our barriers, which will be sufficient to cause the English to exhaust themselves ; and then if they are allowed to trade they will fall into our manners and customs ; whether there are sufficient proofs of this or not, it will be difficult to escape the profound intelligence of your imperial majesty.

Now how could the said foreigner dare to be the first to attack (the forts) and create disturbances, and of themselves originate the causes of quarrel and war ; which will lead to their not being able to open their mouths (to beg for a settlement of affairs). Why did he not wait for an answer ? from this unreasonable conduct I should not again be disposed to bestow any thing on him—or grant any of his requests.

I have ascertained that *Shakok* is a solitary island in the outer water ; and the soldiers there have before been engaged (with the English.) Two hundred soldiers had already been taken from the fooyuen's division, and ordered to assemble at the important passes in *Tungkwan* (east of the Bogue) and two hundred men of the *Tetuh's* (commander in chief) division were ordered to guard and keep (the passes.) The batteries on *Takok* are close to the south beach ; and fearing that the said foreigner would go round behind the hill, and then hasten to enter in at the front (of the batteries on Takok,) I had sent a flying despatch to the Admiral *Kwan* to examine clearly, and increase the number of troops on that spot ; and there to remain quiet in the fort, and to order the men to be immediately employed in the manufacture of gunpowder and balls, sufficient for the expenditure of several months ; they would then be able to hold the forts.—The Bocca Tigris is the admiral's station. To the guard and defence of Chaouchowchin, I had already sent *La Tsuhtsze* with troops. For the defence of *Wooyungkow*—which is 16 *le* from the provincial city, I had selected a naval officer to remain there quiet within the camp, and to fill vessels with stones and sink them and to construct wooden rafts to prevent the running away (of the English.)

On the 4th day of the 12th moon (Dec. 27th) I sent a flying despatch announcing to *Keshow*, the adjutant-general of the governor's troops, the footsze—or mayor—*Teihtszeleang* of the *Yungtaing* camp, to take the general management of and complete this business.

But some of the inhabitants of the provincial city dwell close to the city walls, and it is difficult, in consequence, to open fire ; and it being surrounded on all sides by the river, there is no place to form a camp.

There have been forts of old in the centre of the river (the Dutch and French follies) ; their garrisons have been increased, there is also no place, or ground, for camps where the rapids are in the river ; each quarter is well-guarded.

I have before daily made secret examination into the dispositions and intentions of the foreigners, and I am apprehensive they will go to different outlets or ports : I therefore immediately sent dispatches to *Woo Wanyung*—the governor of *Fo kien* and *Chekeang*, and to *Elepoo* the imperial

envoy to *Chekeang*, that they might know the facts accordingly; and charging him to forward despatches immediately to the province of *Keangsoo*, to keep strict examinations and guard.

But the road is long, the distance great, and the post horses have not strength for the journey, and I do not know whether they have reached their destination or not: neither do I know if I should again send despatches to the maritime ports of each province, or not. In the late battle some of our soldiers were wounded and some not; after the number of the wounded have been ascertained a flying report shall be forwarded. Henceforth the state of affairs will be duly reported. As to what relates to the said foreigner not waiting for a reply, and first proceeding to attack the forts, it is proper that I should forward the repot of it at the rate of 500 *le* a day; prostrate I beg for the imperial glance.—A respectful report.

THE EMPEROR'S REPLIES.

Taoukwang, 21st year, first moon, 5th day, (January 27): the imperial edict was received.

Keshen has sent in a report of the English foreigners having attached the batteries.

After these rebellious foreigners arrived in the province of Canton, the disorder and audacity of their conduct daily encreased, I have many times sent down my imperial will in a servere edict to all the provinces to keep a secret and cautious watch at guard, and to consult and form mutual plans for extermination; as to the great ministers, civil and military, in what manner have they managed to arrange matters well?

To day a report has arrived post haste from *Keshen*, stating that the fort of *Shakok*, has been taken and plundered by the rebellious foreigners; and also that the fort of *Takok* has been attacked and officers and men killed; and the imperial fleet has been plundered. It is evident, that the said acting governor, in what was proper in all the affairs of guarding (against attack), has been wholly unprepared in every instance. I order that *Keshen* be delivered over to the proper board for severe punishment; still he is to be the leader of all the officers and troops when they arrive in Canton; and let him excite them to exert strength in opposing and exterminating; and put an end quickly to these affairs.

You, *Kwan Teenpei*, are the admiral, you have the control over all the naval officers; hitherto your leadership has been deficient in means and plans; in superintending affairs you have been timid and irresolute, and lost your firmness and self-possession. I order that your button be taken from you; and bear your faults in remembrance, and re-establish your reputation by glorious deeds.

As to the list of officers and soldiers killed, I order the said governor to be most strict in his examination, and send in a prepared report. *Respect this.*

Another imperial edict has been received.

Keshen, by a posthaste despatch has reported that the rebellious foreigners have attacked the forts. Before, because the rebellious foreigners daily became more untuly and disobedient, I have repeatedly sent down my imperial will that adequate preparations should be made for the secure arrangement of affairs, and that mutual plans should be devised to exterminate them.

My first conjecture was, that they had since a long time a great desire to get Canton—their mouths have watered after Canton, for many a long day.

The said great minister has been invested with an important trust, and he already knows that the dispositions of the said foreigners are proud and overbearing; and must also have observed that the defences of the said provinces have long been crumbling to ruins. It was his duty to be prepared for defence; and it might be hoped that if preparations had been made no calamity would have accrued; but now he reports, saying, that the rebellious foreigners have usurped and plundered the fort of *Shakok*, and also attacked *Takok*.

Since the rebellious dispositions of the foreigners have become thus manifest, there is nothing left but to entirely exterminate them, and thus proclaim the majesty of the imperial dynasty—for what principles of reason can now be proclaimed to them? Flying orders have already been sent to the provinces of *Hoonan*, *Szechuen* and *Kweichow* to send with speed their most skilful soldiers to Canton; also flying despatches to *Keangse* to forward the two thousand troops already stationed at *Kanchowfoo* to proceed immediately to Canton, to assist.

The officers and troops of the province of Canton, are all to remain under the orders of the said governor. The present circumstances are important and urgent; I order that guards be placed at the important passes to defend and keep them; let there be no want of caution and no remissness. It may be computed that in the 2nd moon of the year all the troops may in succession arrived Canton. I order in the commanding officers to exhort their troops and excite them to exterminate and exclude (the English), and thus scheme to repair defeat by victory.

As to the forts of Canton; *Tang* before reported that he had land down chains, to impede the foreign ships: now whether the destroyed forts of *Takok* and *Shakok*, were in those places (i. e. within the chains), let *Keshen* examine and make a report. These orders are to travel at the rate of 600 *le* a day; I order that they be made known. *Respect this.*

A third imperial edict has been received. Our dynasty has been soothing and indulgent to outside foreigners, and favour and justice were shown to all. If the said foreigners could indeed have been respectful and obedient, I most certainly should have treated them with encreased kindnesss, and then all might have hoped for joy and tranquillity. Before, because the flowing poison of the occidental countries opium daily encreased, I issued special orders that endeavours should be made to wean the people of the stupid habit; but the English, depending on their boisterous strength, would not submit to give the voluntary bond; I. in consequence, ordered their trade to be entirely cut off: but even now they are unrepentant! and their profligacy daily encreases like the *Che* bird (a bird of prey)

Suddenly in the sixth moon of last year they came with ten sail ships, and forth attacked *Tinghae*, and usurped possession of the city; and then indulged themselves in cruizing in the offing of the provinces *Fokien*, *Chekeang*, *Keangsoo*, *Shantung*, *Chihle* and *Fungteen*, and caused numerous commotiones! since the domineering pride of those rebellious foreigners has at length arrived at this pitch. It will not be difficult to arrange our battalia, and exterminate and drive out the whole number. But on account of considering that the said foreigners presented an address in which they stated their grievances, I could not but cause them to be investigated, in order to manifest the great principles of justice; and I especially ordered the *ta-heo sze*—cabinet minister, *Keshen*, to proceed with haste to Canton, to examine into the facts & manage the business. The said foreigners are butslightly endowed either with heavenly principles or goodness to heart. She whole number of them ought to have returned to Canton and there have awaited the settlement; but one half weighed their anchors and went southwards; and one half still remains in *Tinghae*: this is clear proof of their crafty and cunning schemes, which are as innumerable as hairs. I have now heard that for several months past they have debauched men's wives and daughters, made captives, carried away property, & built forts; opened water-courses, and set up a counterfeit public officer, who issues proclamations, ordering the people to pay the duties! what crimes have the people committed, that they should suffer these painfull distresses?—speech and thought having come to this, in sleeping or eating I find no quiet.

After *Keshen* arrived in Canton, he well understood to open up and induce to the paths of rectitude, but the insatiable desires (of the English) could not be satisfied, already are their thought dwelling upon extorting the price of opium (the 20283 chests surrendered); further, they are again requesting that I should grant them a landing place (territory). I, the emperor, early considered them to be unsettled and inconstant; certainly it is not by good faith or justice that they are now to be admonished.

With a special intention last year I selected the most skilful soldiers of the provinces of *Szechuen*, *Hoonan*, & *Keangse* to proceed to Canton; a further selection of the most skilful soldiers from the provinces of *Hoopin*, *Hoonan* & *Ginhwuy*, were ordered to proceed to *Chekeang*, to be prepared for attack and extermination. Now *Keshen* has reported by a posthaste despatch that the said foreigners on the 7th of January, having engaged the assistance of traiturous natives on board their ships, went direct to the Bocca Tigris and attacked the forts with their guns, and killed my officers and soldiers, and they also laid *Takok* fort in ruins, and took forcible possession of *Shakok*: such is their rebellion against heaven and opposition to reason; they are like dogs and sheep in their dispositions: it is difficult for heaven and earth longer to bear with the English, and both gods and men are indignant (at their conduct); it is only left to completely exterminate and wash our selves clean of them, cutting off and expelling them all: and then will it be manifested that they are killed by the decree of heaven: and how important are the lives of the people.

At present, as to the troops who have been selected from the different provinces, it is conjectured that they have already arrived at their destination (in *Chekeang*) I order *Elepoo* to proceed immediately with troops and receive back the city of *Tinghae*, and resuscitate the people from their lifeless state. Moreover, I order *Keshen* to exhort and stimulate the soldiers, to advance, with valorous daring and be the foremost in battle, for it is absolutely necessary that the rebellious foreigners must give up their heads, which, and the prisoners, are to be sent to Peking in cages, to undergo the last penalty of the law. For the seizure of that evil race of foreigners and the rebellious native traitors, it is proper to establish laws; and for putting them all to death without exception.

As to the ports and offings of all the maritime provinces, I have repeatedly sent down my imperial will to keep a secret and strict guard. I order all the generals, governors, and lieut. governors, to encrease their efforts in cruising and examining. If they (the English) come, forthwith attack them. Moreover, let perspicuous orders be issued to the officers and people, to be mindful of their enemies anger and hatred, and be all equal in a determined will. Immediately report highly meritorious deeds, that I may confer rewards: of this I have the greatest hopes. Let this edict be circulated for general information.

CAUTION TO BATHERS.—A gentleman was robbed of his great coat about half past six o'clock yesterday morning a few moments after he had gone into the water in *Casilha's* bay. The successful competitor for that confortable overall must have been lying *perdu* behind the rocks, and watched his opportunity, although the gentleman's Portuguese servant was standing on the beach in the centre of the bay. The Portuguese pursued the flying victor, but, being 'fat and scant of breath,' at manifest disadvantage for the knight of St. Nicholas soon ran out of sight, and it is supposed escaped up the steep and rocky ground, and over the ridge of hills on which the *guia* fort stands.

EVACUATION OF HONG—KONG.

Since the observations on a preceding page were in type, we have heard the wonderful and mortifying intelligence that the British flag has been struck on Hongkong, and that the British forces have evacuated the island of 'fragrant streams.'

The troops and stores have been again removed to *Sawchow*—where there is no fresh water;—and H. M.'s Schooner *Starling*, Lieut. H. Killett, has been sent to sea to intercept if possible the ships conveying the troops from *chusan* direct to Calcutta.

On Sunday all the ships were under orders to leave Hongkong Bay; on Monday Morning the Wellesley, Blenheim and Melville two transports with troops, and the Queen Steamer, left the bay, and on Tuesday the remaining vessels were also to leave. The British flag was not hoisted after it was struck on Sunday evening.

In our last number we expressed some doubts whether the cession of Hongkong would be confirmed; but we never thought that a British possession would be voluntarily evacuated by the orders of the British plenipotentiary: and we would respectfully ask by virtue of what authority vested in H. M's plenepotentiary,—after issuing the following proclamation,—can he surrender the rights, royalties, and privileges of her Britannic Majesty?

"The island of Hongkong having been ceded to the British crown under the seal of the imperial minister and high commissioner Keshen, it has become necessary to provide for the government thereof pending her majesty's further pleasure."

"By virtue of the authority therefore in me vested, all her majesty's right, royalties and privileges, of all kinds whatever, in and over the said island of Hongkong, whether to or over lands, harbours, property or personal service, are hereby declared, proclaimed and to her majesty fully reserved."

But in the absence of all official information we may observe that there are three considerations which might have influenced H. M.'s plenipotentiary in the measure of the re-surrender, or the abandonment, of the island;—

1st ly.—In consequence of the imperial orders Keshen may have abruptly retired from all communication; consequently, the preliminary arrangments previously concluded are nullified, and H. M.'s plenipotentiary has therefore, determined on pursuing active measures, and the troops here only been withdrawn from Hongkong as preparatory to an attack on the *Bocca Tigirs*.

2ndly.—Keshen having retired from further communication which H. M.'s plenipotentiary: the latter officer has an equal right to nullify all previous arrangements and engagements, to abandon all concession; and being *de novo*.

3rdly.—Or H. H.'s plenipotentiary may have given way in every instance to the high commissioner, may have re-surrendered Hongkong at his bidding, in order—Hongkong being the price that the ships may enter the river, and the British trade be recommenced in that *Dizima*, Canton; some treaty may be also signed—or promised to be signed—but if this last consideration is the *primum mobile* of H. M.'s plenipotentiary's measures the terms of the treaty can not be the same to which his circular of the 20th ulto alluuded.

The endeavour to recall the troops on thier way from Chusan to Calcutta would seem to disprove the third consideration; for if the imperial commissioner is to have everything his own way, no encrease of force would be required; it is a mere chance that the Stearling falls in with the transports, and should she miss them the services of the expedition, if again required will be crippled for want of numerical strenght.

In the meantime even the British flag-staff we are told has been removed from Hongkong; the Chinese public officers are again on the island, and an English gentleman attempted but in vain to prevail on a chinese boatman to take him on shore; the Chinese declined on account of terror of the officers.

But what will become of the three thousand 'subjects of the queen of England,' who were by public proclamation, on the 1st inst, "promised protection in her majesty's garcious name *against allenemies whatever*!" If the island is indeed re-surrendered, will they be returned to the paternal rule of their earthly father?—oh if the island is not re-surrendered, but only abandoned *protempore*, how are the queen's subjects to be protected in the absence of every description of British force?

Not only the inhabitants of the island, but a number of other Chinese, who have followed the English fleet to Hongkong bay will be left to the exactions and tortures of the public officers: what opinion can these poor people have of the good faith of England—even of her power, when they see it so miserably misused?

We trust we shall know more on these matters in a day or two.—*Canton Register, Feb.* 23.

* CIRCULAR TO HER MAJESTY'S SUBJECTS.

The Imperial Minister and High commissions having failed to conclude the treaty of Peace lately agreed upon with H. M. P. within the allotted period. Hostilities were resumed yesterday afternoon. A Chinese force employed under cover of a masked and strongfield work, in blocking up a channel of the river at the back of Annunghoy was dislodged, the obstruction effectually cleared away, the guns in battery and deposit amounting to about 80 of various calibre rendered unserviceable and the whole of the Military material destroyed. This effectiv service was accomplished without loss in 2 hours by captain Herbert of H. M. S. *Calliope* having under his command the Steam Vessel *Nemesis* and the Pinnaces of H. M. S. *Calliope Samarang, Herald* and *Alligator*. The extent of the enemies loss has not been ascertained.

Bombay Courier, April 6.

The *Bombay Times Extraordinary* of yesterday published intelligence from Macao the 26th of Feb. intimating that hostilities had recommenced and that the Chinese had been dislodged from the outpost of Annunghoy. Our latest news is to the 27th being one day later than that of our Cotemporary, and we are enabled to state that the Bogue forts were captured on the 25th Feb. by her Majesty's Forces; several hundreds of Chinese having been made prisoners. On the same day the Naval Commander in Chief notified that merchant vessels of all nations might proceed to the Bocca Tigris and would be allowed to proceed higher up, as soon as the river was cleared from obstructions.

The following is a brief narrative of the events in China between the, 14th and 27th Feb. On the latter day the *Folkstone* left Macao for Madras, through which channel we have obtained our information.

On the 14th February the *Nemesis* was sent to the Bogue with a draft of a Treaty intended for Keshen's inspection and approval. She was ordered to wait for an answer till the 18th, but returned on the 19th without bringing any: reporting that having detached one of her boats, it had been fired on by the forts when the steamer was distant from it about two leagues. It was also discovered that large numbers of additional troops had arrived, the hills and forts being lined with soldiers who were busily employed in erecting additional fortification both at the Bogue and at Chuenpee.

Her Majesty,s ships Alligator had arrived from Chusan which she left on the 10th February. The *Columbine* reached that Island tow days previous with the order for it's evacuation. This was not expected to be completed before the end of the month. but the arrival of the Royal Irish at Macao was daily looked for. The English prisoners at Ningpoo were still in the hands of the Chinese. The following circular was issued shortly after the return of the *Nemisis*

CIRCULAR.

Circumstances have induced the Commander-in-Chief to announce to Her Majesty's Plenipotentiary, his intention to move the forces towards the Bocca Tigris.

The Plenipotentiary will afford the earliest information in his power of the future course of events.

By order,
Signed j EDWARD ELMSLIE,
Secretary and Treasurer.
To the Superintendent.

Macao 10th Feb 1841.

On the 20th Feb a messenger arrived at Macao, from Keshen intimating his willingness to sign the treaty and stating that he had been detained by some plate boats who prevented his coming at the appointed time. This appears to have been a subterfuge for on the 24th Feb. the following notification was made by Capt. Elliot stating that hostilities had recommenced and that a Chinese force employed at the back of Annunghoy had been dislodged.

CIRCULAR TO HER MAJESTY'S SUBJECTS.

The Imperial Minister and high commissioner having failed to conclude the treaty of Peace lately agreed upon with H. M Plenipotentiary, within the allotted period, hostilities were resumed yesterday afternoon. A Chinese force employed under cover of a masked and strong field work, in blocking up a channel of the river at the back of Anunghoy was dislodged, the obstruction effectually cleared away, the guns in battery and deposit amounting to about 80 of various Calibre rendered unserviceable and the whole of the Military *material* distroyed.

This effective service was accomplished without loss in two hours by Captain Herbert of H. M. S. "*Calliope*" having under his command the Steam Vessel "*Nemesis*" and the pinnaces of H. M. S. *Calliope* "*Samarang*" "*Herald* and "*Alligator*."

The extent of the enemy's loss has not been *ascertained*.

(Signed) CHARLES ELLIOT,
H. M. Plenipotentiary.

On board H. M. S. "Calliope" off South Wangtang, 24th February 1841.

To the above we have the pleasure of adding the following official documents, intiinating as we have before said that the Bogue forts have been captured and that British and foreign Merchant ships might immediately proceed to the Bocca Tigris, and would be allowed to proceed higher, as soon as the river was cleared from obstructions.

NOTICE TO H. MAJESTY'S SUBJECTS.

The Batteries at the Bocca Tigris have this day fallen to Her Majesty's forces.

Several hundred prisoners have been captured, the enemy is in flight in all directions and no loss reported up to this hour upon our sides.

(Signed) CHARLES ELLIOT.
H. M. Plenipotentiary.

H. M. S. Melville.
At Anchor off North Wangtang
Feb. 25th 1841. 3 P. M.

NOTICE.

Her Majesty's Ship Wellesley
At Anchor off North Wangtang
Feb. 25th 1841.

The Batteries at the Bocca Tigris having this day fallen to H. M. Arms, notice is hereby given that all British and foreign Merchant Vessels are permitted to repair to that point and that they will be allowed to proceed higher as soon as it is ascertained that the river is clear of obstructions

(Signed) J. J. GORDON BREMER.
Commander in Chief

There is little doubt that Lin has advised the Emperor to resort to hostilities and that the Ex Commissioner is the actual mover of all the recent operations at Canton. Under the head of "Chian" will be found some interesting extracts from the Canton Register of the 23d Feb.

Cotton is a complete drug in the Chian market, There are 130000 bales piled at Macao and 65000 on board vessels proceeding to that Port from the various Indian Presidencies.

NORTH WEST PROVINCES.

AGRA UKHBAR, MARCH 27.

A Letter from Baugh in Lower Scindh, dated 4th March, states that Colonel Stacy had gone to the Nurrh Moodu Pass to arrange a meeting between Mr. R. Bell and the young Khan of Khelat, with the view of the latter receiving from Mr. Bell assurances, that he should in no way be molested by the British. The distrust however, with which we are viewed by all in this part of the country, rendered this a matter difficult to accomplish, but the manner in which Colonel Stacy threw himself upon the confidence of the Khan and his people, did much to remove their distrust. The gallant Colonel proceeded into their camp, at the place above mentioned, attended with but one sepoy, and was received with every respect. The meeting it is expected will take place by the end of this month. The young Khan is described as a very intelligent boy, and possessing abilities which good training would turn to valuable ends. He is said to have a taste for improvement and innovation which would befit an O'Connelite himself.

We may soon expect to hear something of the Punjab, and what turn affairs will take in that quarter. General Lumley was expected to arrive at Meerut on the 25th, and Dost Moohumud on Monday the 29th. The gallant Ex-Chief takes boats at Gurmuktesur ghat, whence he proceeds to Calcutta, so that we may dismiss all hope of seeing him at Agra.

CALCUTTA.

ENGLISHMAN, MARCH 25.

In yesterday's paper we published the report of the proceedings in the Supreme Court of Judicature in the libel case of Singer versus the Editor of this paper, and at the same time intimated that it was our intention to reserve until to-day some observations which occurred to us. It is as well perhaps that we *did* delay to make any remarks, for an Editor is not always in the fittest mood to deal dispassionately with a case just as he leaves the precincts of a Court, overwhelmed with admiration of the burning eloquence of the bar, surprise at the singular good luck of the paintiff—and veneration for the gravity, impartiality and temper of the Bench. He is apt, in such a frame of mind, to allow his pen to run into all sorts of excesses, and to become the mere laudator of all things connected with the machinery of the law instead of the calm analyser of the features of an isolated case. But when he has soothed his excited spirit by sleep, and has had time to ponder over the events of the previous day, he comes to his task as collected and cool as a Chief Justice—ought to be; and the public benefits accordingly.

Of the libel which formed the ground of the action yesterday, we have nothing to say. It *was* certainly a most atrocious libel, *because proved to be false.* When inserted in the *Englishman*, we sincerely believed every word of it to be true, and we never for an instant during the past seven months doubted that the facts were as stated, until, on receiving notice of action, we discovered the impossibility of our informant's making good his very serious charge.

Neither shall we say anything of the eloquent denunciations of Mr. Turton, all of which were in his best and most earnest manner,—nor of the pleading of Mr. Clarke, which was marked with his usual judgment, and exhibited a most honorable and proper anxiety not to aggravate the libel by any attempt at justification. Nor need we comment upon the zeal and activity of the plaintiff's attornies in bringing into Court, (without having the fear of the taxing officer before their eyes) a lot of witnesses who could not, directly or indirectly, have been in the least degree accessory to the proof of their 'case.' Neither are we called upon to write an essay on the mellifluous tones of the crier, who insists on silence, or on the melody of the very audible snores of Mr. Sovereign Smith, the interpreter, who slept all the time like a harmless child with his proboscis buried in his toga. But we *must* say a few words upon the judgment pronounced from the Bench, because it was one of the most remarkable ever heard in the Calcutta Supreme Court, and was distinguished, in delivery, by a suavity of manner, a dignified calmness, and a command of temper, which equally delighted and astonished the bar, the attornies, the suitors, and the spectators. After a long conversation with his brethren, Sir Edward Ryan, without the slightest visible emotion—without a single bitter expression in word or manner—without one curl of the upper lip; one solitary twitch of the nose; one agitated movement of the hand or flush of the cheek, delivered the judgment of which we endeavoured to give a faint outline yesterday. Exhibiting certain strong points of the libel which Mr. Turton had overlooked, the learned judge then proceeded to pull to pieces the mitigatory appeal of Mr. Clarke, and shewed that Mr. Singer, in lying by for seven months, had much more successfully established his case! Most persons in court had, up to the moment of Sir Edward Royan's beginning his judgment, taken into their heads that Mr. Singer would get one rupee damages, especially as he had intimated by his Attorney *he wanted none*,—nothing indeed but the vindication of his character; but in proportion as the learned Chief Justice dwelt upon the magnitude of the libel and the terrible injury done to Mr. Singer (who has got a new Government appointment and has not been abandoned by a single friend!)—in proportion as the calmness of the Bench kept pace with the verbal anathemas suggested by the atrocity of the case,—opinion rose in favor of large damages, and from one rupee the guesses ran up to two hundred and fifty, five hundred, a thousand, two thousand, with the rapidity of auction bids. At length, when Mr. Singer's character was knocked down for *three* thousand rupees, one universal look of astonishment sat upon the countenances of the parties present in Court, for all were not, like ourselves, prepared for the very natural climax to so singular a display of judicial suavity and good humor. But one spark of feeling did the learned judge permit himself to display—and that was (we judged solely by the expression of his countenance) one of deep regret that the defendant who had recently taken the benefit of the Insolvent Act should be compelled to pay such heavy damages. On this point however we believe it will be in our power to soothe the sorrow of the Bench and our other friends. It has been intimated to us that the whole of the costs and damages will be sent us, through a third party, from a quarter we shall not be able to divine!

MADRAS.

UNITED SERVICE GAZETTEE, MARCH 26.

MILITARY INTELLIGENCE.—H. M.'s 49th Foot, on returning from service, are to be stationed at Poonamallee until such time as the Commander-in-chief shall have ascertained the state in which the Regiment may be, prior to making any arrangement for its disposal. A large amount of Treasure was embarked last evening on board the Ship *Nerbudda* under an escort of Europeans. The sailing of this Vessel is delayed till Saturday next, as the Arms for transmission to Calcutta, cannot be embarked sooner for want of a sufficiency of Arm Chests.

TANJORE.—We are indebted to a Native Correspondent for the following intelligence from Tanjore.

"I some time since sent you an account of an affray between some of the Rajah's relations and a body of country people, by whom the former were stopped in returning to the city, when a serious fight took place between the parties, wherein several were killed on both sides. A complaint was in consequence made, and full particulars of the circumstance were transmitted to the Collector of Negapatam, who immediately returned to Tanjore and caused a strict enquiry into the cause of the disturbance, a report whereof was forwarded to Government, who at once directed that the Collector and principal Judge of the district should make a close investigation and submit the details thereof for the information of Government. This was accordingly done, and six of the Rajah's relations were placed in confinement but subsequently released on giving bail; twenty-four of the Rajah's people were also confined and are now awaiting the decision of the Circuit Judge who is at present at Combaconum.

The Rajah, you know, receives no less than lacs of Rupees per annum from the Company, but he never pays his dependents with regularity, and the arrears now due to them, are estimated at 5 or 6 lacs of rupees. These poeple

Digitized with financial assistance from the Government of Maharashtra on 28 June, 2017

went the other day to the Palace and pressed the Rajah for payment, but all without avail, as hey could get nothing from him. We are much amused here at the accounts circulated of some of the Rajah's "*Sayings and Doings*," but as hey would not exactly do for publication I shall not detail them; there cannot however be any oubt from some of the Rajah's acts, that he is n a state bordering on mental aberration if not at times altogether mad."

A GLAZING INJUSTICE.—A very glaring act of injustice on the part of a Staff Officer, has been brought to our notice by a Correspondent in the Doaab; the officer in question it seems on taking charge of his Department a sort time since, have removed the second Clerk in his Office from the situation which he had filled to the entire satisfaction of every Officer in charge thereof for a period of nearly 30 years, on the plea that he was too infirm for the discharge of his duties. It is very evident however that this is not the *real* cause of the Old Writer's removal, inasmuch as a young *protege* of the Officer, whom he brought up the other day from Bombay has been appointed to the situation of 2d Clerk in the Office, thereby depriving the Junior Clerk of that promotion that he had a right to expect on the occurrence of a vacancy. The particulars of the case have, we hear, been laid before the General Officer Commanding the Division, and we earnestly hope that he will interfere to prevent the glaring act of injustice complained of.

CASE OF DISTRESS.—A friend at Cochin has just brought a sad case of distress to our notice and we gladly comply with his request to make the same known through the *United Service Gazette*, in the hope that the charitably disposed may kindly come forward with their assistance in behalf of a very respectable family now reduced to destitution. We allude to the Widow and Children of the late Mr. Morris, for many years a Merchant at Cannanore, but who, through adverse circumstances, failed in business; since which to the time of his decease, which occurred very suddenly last month, poor Mr. Morris has held a small situation under the Travancore Government, upon the salary whereof the family subsisted; but this they are now, alas! deprived of and the Widow and her grown up Son and Daughter are left totally destitute, the Son being unprovided with employment, indeed the family would have been without the means of subsistance but for the kindness of certain gentlemen at Cochin, who have raised a small subscription in aid of Mrs. Morris, as a temporary relief, until her son can obtain some situation, which we hope may be accomplished when the Resident in Travancore shall become acquainted with the pitiable state to which the family are reduced. In the meanwhile, we would entreat the assistance of the charitable, and more especially of those gentlemen on the Western Coast who have known the late Mr. Morris; and we are authorized to state that Captain Barnett of, the 7th N. I. and Captain Tyrrell, formerly of the Bombay Marine, both at present residing at Cochin, will be happy to receive subscriptions for the relief of the family. We further beg to remind certain gentlemen who last year made us remittances for the relief of the widow and child of Qr. Mr. Serjt. Gilder of the 6th L. C. that a part of those sums still remains unappropriated in the hands of the Agent of the *United Service Gazette*, owing to the subscribers having neglected to send us any directions as to their disposal, and we would now entreat them to allow us to remit the amount thereof to Captain Barnett for the above charitable object, and we shall at the same time have great pleasure in adding thereto, any sums wherewith we may be favoured for the us of Mrs. Morris and her family.

Subscriptions received at the Presidency.

From the United Service Gazette—Rs. 10.

SPECTATOR, MARCH 27.

The *Gazette* of yesterday evening contains the following notification with reference to posting Bearers for the Neilgherry Hills, to prevent inconvenience to travellers proceeding there.

"Much inconvenience having been experienced from Travellers applying to have Bearers posted at short notice on the different routes leading to the Neilgherries, it is hereby intimated, for general information, that there are only three sets of Public Bearers available on the Hills and that no arrangement with regard to posting them can be depended on, until an answer *from the Post Master at Ootacamund has been received in reply to the application.* As a general rule, at least three weeks notice should be given.

The Hill Bearers are posted on the different routes as follows:

I. Great Southern Road to Combatore, Trichinopoly, Salem, &c, Hill Bearers are posted as far as Conoor (10 miles from Ootacamund) at the top of the Conoor pass.

II. Great Northern road to Mysore, Bangalore, &c. as far as Tippacadoo, 23 miles from Ootacamund.

III. Western road by the new Koondah pass to Calicut &c. as far as Cholakull at the foot of the Koondah pass, 42 miles from Ootacamund.

IV. Western road by Manantoddy to Cannanore &c. (but little frequented,) as fas as Nelligalum, 33 miles from Ootacamund.

In order to procure Bearers on the different roads *leading* to the above places, application should be made to the Collectors of the respective districts, *after* it has been ascertained that the Hill Bearers are available.

N. B.—In making arrangements for reaching the Neilgherries by any of the above routes, particular care should be taken to avoid sleeping at Tippacadoo and Cholakull, both of which are at all seasons extremely unhealthy. The nearest safe halting places are, on the Tippacadoo road, *Goondlepett* on the Mysore side, and Kulhutty on the Neilgherry side.—On the Koondah road, Wundoor on the Calicut side, and Chichapadoo on the Neilgherry side—There are good Bungalows at Goondlepett, Kulhutty, Wundoor, and Chichapadoo (Sispara.")

BANGALORE NEWS.—The European Light Infantry had a short complimentary order read to them before going to drill the other evening, the purport of it was the late review. Major and Mrs. Campbell are passing through this to join H. M. 44th Regiment in Affghanistan. The "Rivals" was acted on Thursday—"Lydia Languish" was the best acting of a Lady's character by a Gentleman I have ever seen. "Julia" was personated by a *debutant* who no doubt will improve and gain confidence when he has acted the Lady oftener. "Acres" was rather ove done but "Fag" was well acted and dressed. The evening concluded with the "Illustrious Stranger" which is ill adapted for Amateur Actors, much taste and splendour was exhibited in the scenery, decorations and dresses, the house was full and a good number of ladies attended. Private Powell sung a good song and Mr. H—— with good taste in the character of "Fatima" in the last piece.

CEYLON.

HERALD, MARCH 16.

EARLY this morning the Ship *Persia*, Captain Stevens, from Portsmouth the 12th December 1840, anchored in the Roads.—The following is a list of her Passengers:

The Hon'ble Mr. Anstruther, Mrs. Anstruther and child, Major and Mrs. Darby Griffith, 90th L. I. Mr. and Mrs. Robertson and child, Miss Greentree, Miss Austin, Miss Higgs, Lieutenants Remmett and Stavely, Ceylon Rifles; Messrs. Lee, Mackenzie, Domett, Fulton and Sabonadiere; Dr. Marshall.

Intermediate Passengers.—Messrs. Wilson, Orr, McFarland, Wyllie, Manzie, Morrice, Laing, Moir, Martin, Ogilvie, and Gray.

The Honorable Mr. ANSTRUTHER landed about half past 8 o'clock, under a salute of nine guns from the batteries.

Now that the Honorable Mr. ANSTRUTHER has arrived with the "Supplementery Charter and a Commission" appointing him as Lieutenant-Governor of these Settlements in case of a vacancy, it is most probable, but that Mr. Stewart Mackenzie will quit these shores to make room for his Son-in-law.

It is at all times painful to us to bring to public notice any thing which may prejudice individuals but as it is our boundon duty to remark upon every irregularity which meets our eye or reaches our ear, we must even act consistently.

Some time ago a conveyance called a Mail was established between Colombo and Negombo, with the intention of running between these places daily. The Proprietors, we believe are Joseph De Sylva Modliar, Coerea Modliar, and Mendez Mohandiram. The former in Colombo, and the latter at Negombo, have we are told furnished tolerably good horses, and are apparently standing in the capacity of Johnnies good-fellows of the other proprietor whose business it is to furnish the cattle for the central stage, i. e from Mabole to Jaelle or further, and who contents himself with providing a miserable *poney* to drag a heavy English double-bodied phæton, a distance of nearly fourteen miles, every day. This, we are informed, was the case on Saturday last, and it seem that on the next day, Sunday, even the dimnative poney was not forth coming but an unfortunate animal was compelled to strangle with the heavy which from Jaelle back to Colombo, thus by the time he gained his stable, having travelled upwards of *Twenty Eight* miles *that day.*

This is really shameful; if the proprietors have no consideration for their own interest, they should certainly have some for their beasts. At the rate, this concern goes on now, we venture to predict that it will speedily "knock under." What encouragement can the proprietors possibly expect from the Government, if they proceed in this manner. In consequence of the want of fresh animal at Mabolle on Sunday, the "Coach" arrived at the Negombo *three* hours after its time and reached Colombo, in the evening *two and a half* hours after the proper time. This sort of thing will never do; and we would advise De Sylva Modliar, and the proprietor in Negombo, Mr. Mendez, who it appears, furnishes two good horses for *half* the distance, to take effective measures to *keep up* an establishment, which is really fraught with much advantage and convenience to the public. It is the only way to obtain the countenance of the Government.

The departure of the Honorable Mr. Farish for his native Land, after a residence of 30 years and upwards in India, during which long period his public and private character has invariably been such as to gain the affections and respect of all acquainted with the real and valuable services afforded by him to the inhabitants of Bombay, must necessarily cause much regret amongst his numerous circle of friends in India. The loss of such a friend will be long and deeply felt, by a large community, whose interests he promoted on all occasions both by his influence and private purse. On no occasion, when a native object was in question did zeal of Mr. Farish slumber. His counsel, his advice, and influence with Government, whenever required, have never been withheld. Impressed with the deep loss about to be sustained by his return to his native home, the inhabitants of Bombay, convened a public meetlug in the Town Hall, in order to propose and determine on some mark of respect and approbation, for his long and faithful services, during his sojourn in India. The result of the meeting was that a "*Scholarship in the new Grand Medical College*" be established, to be denominated the "Farish Scholorship," and several thousand Rupees were subscribed by the gentlemen present, to be appropriated to this purpose.

We are truly sorry to perceive that this generous intention of the inhabitants, should have been damped by the schism of the rich Parsees, who absented themselves from the meeting. We shall refraim from expressing an opinion upon the conduct of the natives towards the senior member of the Council, upon this interesting occasion, which certainly created an universal spirit of disgust amongst the assembled friends of Mr. Farish, too deep to be misunderstood.

Dr. Wilson declared that the disrespect shewn towards Mr. Farish generated from an idea, that that Gentleman had been chiefly instrumental in effecting the late conversion to christianity of the two Parsee youths. We confidently advance that Dr. Wilson's statement is erroneous Mr. Farish never was a *Presetytizer* He invariably stood forth in his public character as an ime partial councillor. But the Parsee cannot wipfrom his angry bosom the rememberance of the civil protection afforded to a christian Pastor and to the two unoffending converted youths upon whom an infuriated mob had attemped to lay violent hands. It is greatly to be feared that this dissention is in some measure attributable to the influence of the *native*, press, whose duty it should have been to soften down any unpleasant feeling between the parties in question.

Before closing our remarks upon this subject we would express our approbation of the metood adopted by the friends of Mr. Farish, to testify their respect for his valuable services, and their sincere regret at being deprived of them in future. It has been the custom, time immemorial, to erect a statue or column to the memory of those whose services in behalf of their country have rendered their names hallowed—But in this instance a testimonial is to be erected of more costly materials than marble, and * "more lasting than *brass*," viz. a "Scholarship in the new Grand Medical College" where living statues will spring up into maturity, generated by the valuable public services of a "Farish." We throw down our pen sincerely hoping that Mr. Farish may yet have many years left to enjoy his "otium cum dignitate" in his native home.

HERALD, MARCH 19.

WE learn from Galle that the Ship *Hindoostan*, Captain J. Campbell, from Bombay the 4th bound to Liverpool had passed that port on the 16th—On the same day the Barque *Emily*, Captain Hillman, sailed for Bombay.

THE Ship *Colombo*, daily expected at Galle en route to Suez had not made her appearance there up to the 17th inst:—She was to have sailed positively from Madras on the evening of the 5th—Letters to be forwarded by her to Suez are, we learn, daily being transmitted to Galle to await her arrival there.

WE are requested to give insertion to the accompanying letter from the Passengers of the *Persia* to Capt. STEVENS, with the reply of the latter gentleman, whose character stands so high in Ceylon that it was natural to expect that his passengers would have reason to be satisfied with him both as their Captain and as their Host. The Persia made a splendid passage of 93 days from Portsmouth, having only sighted Madeira and Palma on her way out; and had she not been baffled by calms and very light winds almost invariably since the 27th of last month, she might have made one of the most rapid passages ever effected to Ceylon. She was in latitude 8° 20 S. longitude 78° 35 E. on the 77th day of the voyage, and had run in the preceding eight days 1622 miles. She spoke the *Nehalennia* from Batavia on the 31st December about five degrees north of the line, the Barque *Anne* from Monte Video, in lat. 29° 1' S., the *Christian Agatha*, from the Texel to Batavia, out 68 days, in lat. 39° 18' S. and long. 57° 17' E. and the *St. George*, from Bombay to London in lat. 2° 59' N. and long 80° 35' E.

SHIP *PERSIA*,
Colombo Roads, 15th March, 1841

DEAR CAPT STEVENS,—Being, now at the termination of our voyage, we are desirous to avail ourselves of the occasion to thank you for the readiness and kindness, with which you have uniformly exerted yourself to promote our happiness and comfort.

We have found the good Ship *Persia* a very fast sailling comfortable vessee, and the supply of stores most liberal and excellent.

Permit us, in bidding you farewell, to say that we part from you as, from a friend for whom we entertain sincere regard, and whom we shall always be happy to welcome among us in Ceylon.

We are Dear Cap. Stevens,
Your's very sincerely,

Lucinda Darby Griffith,	W. Robertson,
M. F. Anstruther,	Wm. Curling, Domett,
C. Robertson,	Kenneth Mackenzie,
Eleanor Greentree,	H. G. Remmett,
M. Austin,	F. Sabonadiere,
S. A. Higgs,	John. Rennie Fulton,
P. Anstruther,	R B. Staveley
Geo. Darby Griffith,	J. Marshall,
George Lee,	

SHIP *PERSIA*.
Colombo Roads 15th March 1841.

LADIES AND GENTLEMEN,—I thank you sincerely for the letter which I have received from you, it is always my earnest wish to give satisfaction to my passengers, and it is pleasing to me when I succeed in doing so.

I trust I shall meet you whenever I arrive at Ceylon, in the enjoyment of health and happiness, and I beg you to believe me.

Always your's faithfully,
JAMES STEVENS.

CAPE.

THE LIGHT HOUSE.—Our readers; not the parties charged with the superintendence, because they seem to care little about it,—will receive additional information from the following letter, on the Light House. We are told, that since the writing of the said letter, a gentleman has visited it, and found the windows not properly cleaned, but all in a dirty, smokey state. The lamps are said to contain oil, to last only till 3 o'clock in the morning. Are these irregularities not to be attended to? We shall be much obliged to any of our readers, for information, as to who is charged with the superintendence thereof.

Table Bay, 29 h December, 1840.

SIR,—On returning from Saldanha Bay last night, carefully made the following observationst and beg you to give them a place in your valuable paper.

At 11 P. M., Robben Island bearing by compass S. E. about 2 miles, saw the glimmer of a light at times bearing S. ½ E; st 12 30' S. W., and Robben Island E by N., could but indistinctly discern there were two lights; at 1 A. M. shortened sail, and hove to Lighthouse S. ½ E., about 2 miles light appearing at least 4 or 5 miles; at 2 20' Lighthouse S. E. by S 3½ miles, light very dull; at 3, no light visible; at 3 30', bore away and made sail, no light to be seen; at day light, Lighthouse S. E. 3 miles.

On the 1st July last, on entering Table Ba in the night, I noticed and reported to Captain Bance, the light being totally out from 3 until 3 40' A. M.

I ask those who have endeavoured to calumniate Capt. Owen's well known abilities, by asserting that the Lighthouse is not properly situated, whether the fault lays in the site of the house, or the want of attention to the lamps?

Zuid African Jan. 15] J. P. C.

SOUTH AFRICAN COLLEGE.—*Report of the Council of Directors of the South African College, to the Shareholders thereof, at their Annual Meeting, on the 12th of January*, 1841.

The Directors in submitting their present report, have the honor to state—

I. As to the instruction given in the College.

That the two Professors, one for the *English Classical*, and the other for the *Mathematical* Department (who were appointed, as reported in the last annual report,) not yet having arrived,—the Directors, with the concurrence of the Senate, have nevertheless employed the means which they possessed, of keeping the College during the year open,—by appointing Professor Chinguion temporarily to take charge of the English Classes at a remuneration of £50, and Mr. William Faure as an Assistant Instructor for the Mathematical Department, at a sum of £30 per half year.

Whilst the College was kept open, a number of 20 à 16 pupils have been enabled to derive the benefit of that Instruction, which the Institution had it in her power to give.

This reduced state of things, the Directors have reason to anticipate, will soon cease to exist: as from information which they have received, it appears, that the two Professors alluded to, may *daily* be expected to arrive; until when, the consideration as to the future prospect of the Institution, must necessarily be postponed.

Should however, those Professors, not have arrived, before the time fixed for the opening of the College for matriculation, the Directors will have to consider, whetner the College should or should not be kept open, in the same way, as was done during the preceding year; as to which the report of the Senate now submitted to the Meeting will give the necessary information.

II. As to the College Building.

The Directors have much satisfaction, in reporting to the Shareholders, the entire completion of the new Building, and refer to the report of the Building Committee thereon. The Directors have therefore given notice to the Directors of the Orphan House, of their intention to quit the present building, by the end of March next: proposing to fix the opening, of the College in the new building, now erected, after the arrival of the newly appointed Professors.

At the same time the Directors have to state, that upon various considerations connected with the size of the Building, its due use and preservation for the purpose of the College, should the Museum of the Literary and Scientific Society, be removed to it, they have found cause to resolve and have accordingly caused proper notice to be given to the Directors of that Institution to remove the Museum before the expiration of February next, or to make such arrangements in respect thereof, with the Directors of the Orphan House, as they may deem adviseable, as the Museum could not be received into the new College Building.

The new College Building having been erected partly by means of a loan from Government, amounting to £2,000 (as reported in the last annual report) the Directors have given the necessary instruction and authority to their Treasurer, for passing a Mortgage Bond, under Hypothecation of said Building, in favor of Government for the said amount of £2,000.

III. Discipline of the College.

The subject of inflicting corporal punishment on pupils in the College having been brought under the notice of the Council of Directors,—it has been considered necessary with a view towards satisfying the minds of the parents, and all parties concerned therein, to adopt a Regulation, by which this question may be set at rest.

Whether such a Regulation can efficiently be made, by a mere Bye Law,—or whether it requires a special Ordinance, is a question which it is not necessary now to enter upon. Should the shareholders approve and adopt the principle of a Regulation, to be proposed respecting the infliction of corporal punishment, it will then be the duty of the Directors, to ascertain the most efficient means of carrying out that principle, either by the adoption of a Bye Law, or by seeking to obtain a Special Ordinance for the purpose.

The Regulation which is consequently now proposed for the adoption of the Meeting is the following.

1. That no punishment by strikes or other corporal violence shall be inflicted upon any pupil in the College, unless the same shall have been specially directed by the Senate, and with the consent of his Parent or Guardian.

2. That whenever any pupil of the College, shall be brought before the Senate on any charge, against his moral conduct, the Parent or Guardian of such pupil shall receive notice thereof, and of the sitting of the Senate thereof.

IV. Finances.

In respect of the Financial circumstances of the College no alteration has as yet taken place, except only in as far as regards the expences for the completion of the present new building.

It will be in the recollection of the meeting, that the total expence was appraised at £3132 1s. 8d., whilst it will appear, from the account of the Treasurer, that the actual amount is £3242 Is. 7d., showing therefore that the actual cost has exceeded the estimate in the amount only £111 19s. 11d.

The directors feel satisfied, that they need only further refer the Shareholders to the accounts of the Treasurers as now submitted to the Shareholders.

V. Election of Directors.

According to the provisions of the Ordinance, the meeting will have to elect 10 Directors in the room of the following falling out in rotation, but being re eligible, viz:—

Baron Von Ludwig, the Rev. Mr. A. Faure, and Messrs. J. H. Hofmeyr, H. Ross, W. Gadney, J. T. Jurgens, J. C. Gie. O. J. Truter, C. L. Herman, and M. van Breda; whilst the following gentlemen will have to be placed at the bottom of the list of Directors, viz.:—

Sir John Truter, Sir John Wylde, Mr. P. B. Borcherds, Mr. D. Denyssen, Mr. J. Band.—*Ibi d.*

SOUTH AUSTRALIA.

COURIER MARCH 24.

LOCAL POLITICS.—Since the last arrival from England, we have been inundated with all varieties of reports connected with the financial position of the Commissioners, and the resignation or recall of Governor Gawler. Some of the most unplatable of these reports are now very generally credited; and we confess that there is much reason to believe that, in the main, they are correct. The next ship from England must put an end to all doubts on the subject. In the meantime, the following notice from the last *Chronicle* will show our readers 'where the shoe pinches.' Our contemporary is silent on the reported instructions to the Governor about the transference of the Police Force to the Corporation. We trust that there is no truth in it; or, if there be, that the Corporation will have nothing to do with the matter:—

It has been reported very generally, during the week, that Governor Gawler is likely to be succeeded at a very early day by Sir John Ellis,

We have been unable to trace this report to any authentic source. There is not a shadow of doubt, however, that if Colonel Gawler has not already, as is generally reported, resigned, his recall will take place at no distant period. The present position of affairs, we believe, may be correctly stated thus: Some time ago the Governor demanded from the Colonization Commissioners an increase of salary—£2000 per annum it is said—requesting at the same time that th, Commissioners, if they declined to comply wite such increase, would forward His Excellency's resignation to Lord John Russell. The Commissioners are said to have replied briefly to the despatch, to the effect that it was impossible t entertain his application, although they would notwithstanding submit the matter to the consideration of the Government.

The Commissioners at the same time resolved, as we stated the week before last, to curtail the Governor's expenditure as far as lies in their power, and instructions are said to have been forwarded directing His Excellency to stop the further progress of all buildings and public works not specially authorised, and, what is more important for the public to know, intimating that *none of Governor Gawler's drafts upon the Commissioners for the expences of unauthorised works would be honoured.—Adelaide Chronicle, Dec.* 3.

PROGRESS OF DISCOVERY.—We are indebted to the Swan River *Inquirer* for the following interesting investigation of the western coast, by H. M. S. *Beogle*:—

Although the last expedition of H. M. S. *Beagle* has not brought to light any very important discovery, yet some valuable additions have been made to our geographical knowledge of the N and N. W. coasts, and of Dampier's Archipelago Several errors in the old charts have been corrected, and on many points pre-existing doubts have been satisfactorily cleared up. We believe that the following will be found a correct account of what has been done:—

Ritchie's reef was found 33 miles east of its present position on the chart; the long lost Trial Rocks have also been found; they bear N. N. E. five miles from Cape Dupno, the north point of of Barrow's Island. The survey commenced at the Abrolhos, and a good chart has been made of these, as well as of 30 miles of the main abreast.

On the S. W. side of Moresby's flat topped range a most secure anchorage has been found, sheltered from all winds except those from the N. W. to N. by E. or N. The Abrolhos are not so extensive in longitude by one-fourth of a degree as Van Keulen has them, in latitude they come something near the present survey: by this they are made to trend N. N. W. parallel to the coast, occupying from 28 degrees 59¼ minutes S. to 28 degrees 15¼ minutes in lat. and from 113 degrees 33 minutes to 114 degrees 1¼ minutes in long. Instead of being one large lagoon as the present chart represents, they are divided into three groups separated by wide navigable channels; anchorages numerous, and good; there is no fresh water, but Wallaby exist in great numbers. The extent of the present survey on the N. W. coast has been about 100 miles, beginning at Bezou Island; consequently there yet remains a large space of which nothing is known, and where land has not been seen by any one; it is precisely in this part that hopes have always been entertained of finding a river, and it is particularly unfortunate that this important point yet remains undecided. The part of the coast examined by the *Beogle* was very low, sometimes straight course with sand hills, in other places deep bays with mangroves into which numerous creeks ran; indeed they over-run the country for miles, so it may be imagined how low it is From the numerous fires observed it is thought that the country must be thickly inhabited.

H. M. S. *Beogle*, Nov. 29, 1840.

GENTLEMEN.—For the benefit of those entering Investigator's Straits from the westward, I beg to send you the position of a low rocky is let not laid down in the charts. Latitude of its centre—34 degrees 49 S., longitude 134 degrees 48¾ E., bearing S. 8 degrees E. (mag.) 9 miles from the high peak on Greenly's Island, and S. 81 degrees W. 10 miles from the south side of Whidbey's Croup. I have also added the position of the Neptune Isles, as Capt. Finders did not consider he had placed them within two or three miles of the truth. Latitude and longitude of the centre of each as follows:—35 degrees 16¾ S. 136 degrees 3 E., 35 degrees 21¾ S. and 35 degrees 22½, 136 degrees 6¼ E. Between them and Althorp Island, we experienced a northerly current of more than a mile an hour—wind light from S. S. W.—Yours, &c.

J. L. STOKES, Lieutenant.

Hobart Town Courier, January 1.

PRINTED AND PUBLISHED FOR THE PROPRIETOR, AT THE GAZETTE PRESS, APOLLO STREET, OLD ADMIRALTY HOUSE.
BY A. WILLIARD.

* Æce perennins.